(Indicate page, name of newspaper, city and state.)

Date: November 27, 2000
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Title: David Parker Ray

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DEC 3 2000

FBI ALBUQUERQUE

FD-350 (Rev. 5-8-81)

Jury selection starts in sexual-torture case

By Mary Perea
THE ASSOCIATED PRESS

ESTANCIA — Jury selection in the retrial of an Elephant Butte man accused of sexual torture began today, although David Parker Ray's actual trial won't begin until January to avoid conflict with the holiday season.

Ray is being retried on charges that he kidnapped and sexually tortured a Colorado woman in 1996 in Truth or Consequences. Two other similar cases also are pending against him.

Jury selection probably will take weeks, state District Judge Neil Mertz said. Smaller groups of potential jurors will be questioned over a number of days instead of a single pool of 50 to 100, Mertz said.

The trial probably will not begin until after the new year, Mertz said. Lee McMillian, Ray's new attorney, said the trial is targeted to begin Jan. 2.

Attorneys for both sides said many factors make this a different case from the one that ended in a mistrial in Tierra Amarilla in July.

"I think this one will be even more interesting than the last time," McMillian said. "I'm more of a proactive kind of guy."

McMillian replaced Ray's former attorney, Jeff Rein.

The public defender did a good job of preparing the case, but there was a lot of information to cover in a short time, McMillian said.

"I've gotten rid of everything else I was doing and read through eight bank boxes of material," McMillian said. "My life is on hold until I finish these cases."

Ray, a former mechanic at Elephant Butte State Park, was arrested in 1999 after a woman wearing only a padlocked dog collar ran to the home of one of his neighbors, saying she had escaped from his mobile home. Police and FBI searched Ray's trailer and found torture devices and video cameras.

Eventually two other women were identified by police as alleged victims, including the Colorado woman.

Mertz has ruled the three cases will be tried separately.

The defense is not the only side that has gone through some major changes in the months leading up to the second trial.

District Attorney Ron Lopez will no longer be in office when the trial begins. He was defeated by Clint Wellborn in the Nov. 7 general election.

Lopez was unsure whether he would participate in jury selection. In the meantime, he said he is trying to make the transition as simple as possible.

Wellborn said Assistant District Attorney Jim Yontz, who argued the first case, will stay on and lead the prosecution of Ray.

"Jim has been handling the case from the beginning," Wellborn said. "I think Jim is a very capable attorney and he will do a good job with it."

Wellborn said he will take office Jan. 2 and probably will not have a hand in the prosecution because he will have too many responsibilities getting settled into his new job.

McMillian said leaving Yontz in the position would be logical.

"You'd have to be stupid to get rid of Yontz. He has 20 years of experience. He knows the case," McMillian said.

Ray's first trial was moved to Tierra Amarilla because defense attorneys argued he could not get a fair trial in Truth or Consequences because of the publicity surrounding the case.

McMillian said he thinks Estancia is probably one of the best sites possible for the next trial.

"Let's face it, there's not anybody in New Mexico that doesn't think they know all about this case already," McMillian said. "As long as we're not in Albuquerque or T or C, I suspect anywhere we go is going to be about the same."

Unlike Rein, he said he plans to call witnesses in Ray's defense. However, he said he wouldn't know if Ray would take the stand until the moment arrived.

FD-350 (Rev. 5-8-81)

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Ray Trial Jury Pool Questioned

Prosecutor Describes Graphic Testimony

BY MARY PEREA
The Associated Press

ESTANCIA — A prosecutor told potential jurors Monday that the retrial of a man accused of sexual torture would be rife with nudity, graphic photos and explicit language.

Assistant District Attorney Jim Yontz and defense attorney Lee McMillian began what promises to be a weeks-long process of picking a jury for David Parker Ray's second trial on charges that he kidnapped and sexually tortured a Colorado woman in 1996 in Truth or Consequences.

Yontz asked four men called for possible jury duty Monday morning if they had a problem with the material. All four said no.

He asked one woman if she could describe a rapist.

When she said she no and he asked why not, she responded: "Because you can't tell from the outside."

McMillian asked several potential jurors if they could imagine circumstances in which someone would willingly engage in sex acts, then later deny being willing. Those questioned suggested someone might be embarrassed or not want anyone to know.

RAY: Trial to begin early in January

"The case is going to involve some fairly outrageous sexual conduct. Do you think there are some things nobody will do willingly?" McMillian asked one woman. She responded, after a pause, "That depends on the person."

Ray's defense will be based on consent, McMillian told prospective jurors.

Yontz asked one woman if she would have trouble with the sexual nature of the case and." she answered: "I think it would be hard as a woman. I guess sometimes you imagine it being yourself there."

In all, nine potential jurors — five men and four women — were questioned Monday. Questioning resumes today. State District Judge Neil Mertz said jury selection probably would take weeks as smaller groups of potential jurors are questioned over a number of days instead of in a single pool of 50 to 100.

The Elephant Butte man faces trial on 12 charges: six counts of criminal sexual penetration and one each of kidnapping, assault with intent to commit a violent felony, criminal sexual contact, conspiracy to commit kidnapping, conspiracy to commit criminal sexual penetration and conspiracy to commit criminal sexual contact.

Two similar cases are pending against him.

The retrial likely will not begin until after the new year to avoid conflicting with the holiday season. McMillian, who took over the defense from Jeff Rein, said the trial is targeted to begin Jan. 2. Mertz would not be that precise but said it probably would start a day or two after the New Year's holiday.

One potential juror said he had a time conflict with the case — deer hunting starts around Jan. 1.

Another man was excused because he had airplane tickets to Mexico in late December and would not be back until Jan. 7.

Neither side questioned a woman who told attorneys she had made up her mind about the case.

Ray, a former mechanic at Elephant Butte State Park, was arrested in 1999 after a woman wearing only a padlocked dog collar ran to the home of one of his neighbors, saying she had escaped from his mobile home. Police and FBI searched Ray's trailer and found torture devices and video cameras.

Eventually two other women were identified by police as possible victims, including the Colorado woman.

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Date: November 28, 2000
Edition: Albuquerque Journal

Title: David Parker Ray

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Submitting Office: Albuquerque, NM

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Yontz, who argued the first case, will lead the prosecution, said Clint Wellborn, who defeated District Attorney Ron Lopez in the Nov. 7 election.

"Jim has been handling the case from the beginning," Wellborn said Monday. "I think Jim is a very capable attorney and he will do a good job with it."

Wellborn said he probably will not have a hand in the prosecution because he will have too many responsibilities getting settled into his new job. He takes office Jan. 2.

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FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 12/14/00

DAVID RAY was contacted at the Sierra County Jail. He was not asked any questions about the crime for which he is incarcerated or any other crimes. The interviewing agent told him that he had recently read two articles which he found of interest as they applied to RAY's case and which RAY himself may find interesting. RAY was provided copies of both articles. The articles are "Detective Magazines: Pornography for Sexual Sadist?" by DIETZ, Et Al, appearing in the Journal of Forensic Sciences, January 1986; and "The Serial Rapist" by HAZELWOOD and WARREN appearing in the Federal Bureau of Investigation Law Enforcement Bulletin, January 1989. RAY thanked the interviewing agent for the articles and the conversation was concluded. The entire conversation lasted approximately five minutes.

Investigation on 12/13/2000 at Truth or Consequences, NM

File # 31B-AQ-52484 - 792 b6 b7C Date dictated 12/13/2000

by SA [redacted] bmb

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

FD-350 (Rev. 5-8-81)

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(Indicate page, name of newspaper, city and state.)

Date: Friday
December 1, 2000
Edition: Las Cruces Sun-News
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Las Cruces, NM
Title:

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Classification: 31B-AQ-52484 - 787
Submitting Office: Las Cruces RA

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FBI — ALBUQUERQUE

Court affirms Hendy conviction

The Associated Press

SANTA FE — The state Court of Appeals on Thursday upheld the convictions of Cynthia Hendy, who pleaded guilty to helping David Parker Ray kidnap and sexually torture women.

Hendy was sentenced in May to 36 years in prison.

Ray, her ex-boyfriend, is charged with kidnapping and sexually torturing three women in his Elephant Butte home. Ray's first trial ended with a deadlocked jury earlier this year, and he faces a retrial.

Last year, Hendy pleaded guilty to two counts of kidnapping, two counts of criminal sexual penetration and one count of conspiracy to commit kidnapping in connection with the abductions and sexual tortures of two women.

As part of an April 1999 plea deal, Hendy agreed to cooperate with investigators in exchange for a lighter sentence than life in prison. The judge could have sentenced her from a minimum of 12 years in prison to a maximum of 54 years.

One of the victims said she was kidnapped by Hendy and Ray in Albuquerque in March 1999. She said she escaped three days later. She was found wearing only a padlocked metal collar and chain.

In the appeal, Hendy's lawyer contended that the district court made a mistake in not allowing her to withdraw her guilty plea.

The Court of Appeals disagreed, saying the district court's record "indicates that defendant was aware of and understood the plea terms, and that her attorney reviewed extensively the case with her. Defendant's assertion that expediency and efficiency in the justice system somehow prejudiced her is thus unpersuasive."

FBI/DOJ

District Judge Mertz dies

The Associated Press

SOCORRO — State District Judge Neil Mertz, presiding judge in the David Parker Ray sex-torture case, died Thursday of a massive heart attack.

Cathy McClean, court clerk in Sierra County, and Kim Padilla, court administrator in Socorro, said Mertz had the heart attack at his Socorro home Thursday morning. Padilla said he was taken to the emergency room of Socorro General Hospital.

McClean said he seemed fine Wednesday.

"He was a wonderful man," said McClean, who had known Mertz for 17 years.

Padilla said she was not aware that Mertz had any previous heart problems since he was named to the judgeship four years ago.

"It's quite a shock to everyone," she said.

Padilla said she received a call about the judge's death just before 8 a.m.

Mertz, a Democrat, was named to the bench by Gov. Gary Johnson in February 1996 and won election to the 7th Judicial District post later that year. His six-year term would have expired in 2002.

Mertz this week began the process of selecting a jury for Ray's January retrial in Estancia.

District Attorney Ron Lopez, who originally prosecuted the case, said Mertz worked for him as chief deputy district attorney before becoming a judge.

"We had a very good relationship," Lopez said. "I respected Judge Mertz as an attorney and as a person."

Lopez said he and Mertz had joked about the case the night before the judge died.

"It was ironic. We were just kidding and laughing about the case and we were saying what else could go wrong," Lopez said. "It was a real shock to me."

The Ray case gained international attention in March 1999 after a woman wearing only a padlocked dog collar ran to the home of one of his neighbors, saying she had escaped from his mobile home. A subsequent FBI search of his trailer turned up torture devices and video cameras.

Ray's first trial last summer ended with a deadlocked jury. He faces retrial on six counts of criminal sexual penetration and one each of kidnapping, assault with intent to commit a violent felony, criminal sexual contact, conspiracy to commit kidnapping, conspiracy to commit criminal sexual penetration and conspiracy to commit criminal sexual contact.

Two similar cases against Ray will be tried separately. Padilla said attorneys in the case probably would have to get together to decide on a judge to replace Mertz.

Mertz earned a bachelor's degree from Phillips University in Enid, Okla., a master's in political science from Baylor University in Waco, Texas, and his law degree from Baylor.

He was "a very thoughtful judge who had a great manner about him," said Albuquerque attorney Marty Esquivel, who argued in front of Mertz on behalf of news media representatives who sought access to jury selection in Ray's first trial.

AP photo

State District Judge Neil Mertz, right, listens as FBI Special Agent Anthony L. Maxwell Jr., left, draws and explains the layout of property occupied by David Parker Ray during Ray's sex-torture trial on June 30 in Tierra Amarilla. Mertz, died on Thursday of a massive heart attack at his Socorro home.

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Friday
ate: December 1, 2000
dition: Las Cruces Sun-News
A5
Las Cruces, NM
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or
assification: 31B-AQ-52484 - 764
bmitting Office: Las Cruces RA

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FBI/DOJ

FD-350 (Rev. 5-8-81)

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Jury selection to begin Ray case

ALBUQUERQUE — Jury selection in the retrial of an Elephant Butte man accused of abducting and sexually torturing a Colorado woman is scheduled to begin Nov. 27, but a trial will not immediately follow.

A jury will be selected in Torrance County for the retrial of David Parker Ray. In July, a Rio Arriba County jury failed to reach a verdict on 12 counts and a judge declared a mistrial.

After jurors are picked for the second trial, "the court's going to take a break (for the holidays) and reconvene in January. That's when the testimony will begin," District Attorney Ron Lopez said.

Ray faces similar charges in cases involving two other victims.

— *The Associated Press*

(Indicate page, name of newspaper, city and state.)

Thursday
Date: November 16, 2000
Edition: Las Cruces Sun-News
A5
Las Cruces, NM
Title:

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or
Classification: 31B-AQ-52484 - 785
Submitting Office: Las Cruces RA

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FBI — ALBUQUERQUE
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Jury selection under way in second sex-torture trial

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ovember 28, 2000
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as Cruces, NM

31B-AQ-52484-782

ice: Las Cruces RA

The Associated Press

ESTANCIA — Potential jurors were told by a prosecutor Monday that the retrial of a man accused of sexual torture would be rife with nudity, graphic photos and explicit language.

Assistant District Attorney Jim Yontz and defense attorney Lee McMillian began what promises to be a weeks-long process of picking a jury for David Parker Ray's second trial on charges that he kidnapped and sexually tortured a Colorado woman in 1996 in Truth or Consequences.

Yontz asked four men called for possible jury duty Monday morning if they had a problem with the material. All four said no.

He asked one woman if she could describe a rapist.

When she said she no and he asked why not, she responded: "Because you can't tell from the outside."

McMillian asked several potential jurors if they could imagine circumstances in which someone would willingly engage in sex acts, then later deny being willing. Those questioned suggested someone might be embarrassed or not want anyone to know.

"The case is going to involve some fairly outrageous sexual conduct. Do you think there are some things nobody will do willingly?" McMillian asked one woman. She responded, after a pause, "That depends on the person."

Ray's defense will be based on consent, McMillian told prospective jurors.

Yontz asked one woman if she would have trouble with the sexual nature of the case and she answered: "I think it would be hard as a woman. I guess sometimes you imagine it being yourself there."

In all, nine potential jurors — five men and four women — were questioned Monday. Questioning resumes Tuesday. State District Judge Neil Mertz said jury selection probably will take weeks as smaller groups of potential jurors are questioned over a number of days instead of in a single pool of 50 to 100.

The Elephant Butte man faces trial on 12 charges: six counts of criminal sexual penetration and one each of kidnapping, assault with intent to commit a violent McMillian, who took over the defense from Jeff Rein, said the trial is targeted to begin Jan. 2. Mertz would not be that precise, but said it probably would start a day or two after the New Year's holiday.

One potential juror said he had a time conflict with the case — deer hunting starts around Jan. 1.

Another man was excused because he had airplane tickets to Mexico in late December and would not be back until Jan. 7.

Neither side questioned a woman who told attorneys she already had made up her mind.

Ray, a former mechanic at Elephant Butte State Park, was arrested in 1999 after a woman wearing only a padlocked dog collar ran to the home of one of his neighbors, saying she had escaped from his mobile home. Police and FBI searched Ray's trailer and found torture devices and video cameras.

Eventually two other women were identified by police as alleged victims, including the Colorado woman.

Yontz, who argued the first case, will lead the prosecution, said Clint Wellborn, who defeated District Attorney Ron Lopez in the Nov. 7 election.

"Jim has been handling the case from the beginning," Wellborn said Monday. "I think Jim is a very capable attorney and he will do a good job with it."

Wellborn said he probably will not have a hand in the prosecution because he will have too many responsibilities getting settled into his new job. He takes office Jan. 2.

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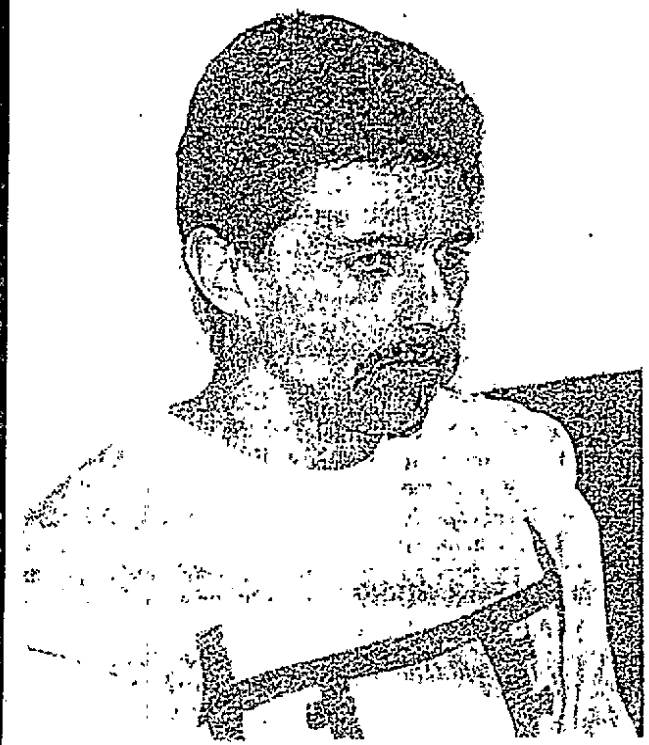

GUILTY— Dennis Roy Yancy, 28, of TorC listens in a Socorro courtroom on Thursday, Dec. 2, as Seventh Judicial District Judge Neil P. Mertz explains the terms of Yancy's 20-year sentence for second degree murder and conspiracy. Yancy pleaded guilty to the July 1997 strangulation murder of Marie Parker. photo by Betsy Phillips

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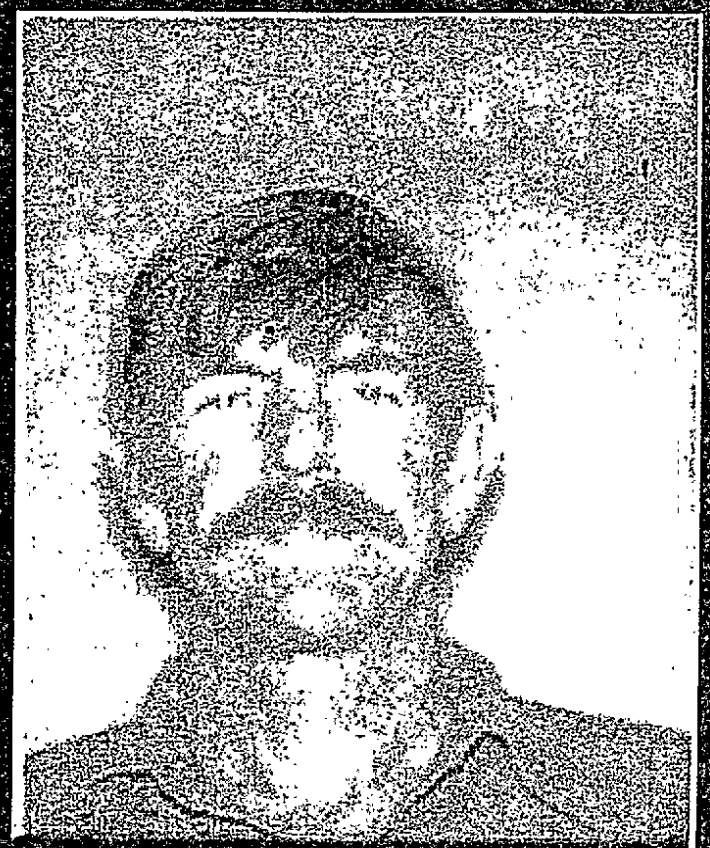
David Parker Ray

An Overview of Case 31B-AQ-52484



FD-350 (Rev. 5-8-81)

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(Indicate page, name of newspaper, city and state.)

Friday
Date: July 14, 2000
Edition: Las Cruces Sun-News
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Las Cruces, NM
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JUL 17 2000
FBI — ALBUQUERQUE

Judge rules mistrial in sex-torture case

By Mary Perea
Associated Press

TIERRA AMARILLA — A judge on Thursday declared a mistrial in the case of an Elephant Butte man accused of abducting and sexually torturing a Colorado woman.

State District Judge Neil Mertz said jurors could not reach an agreement on any of the 12 counts against David Parker Ray.

The two female jurors who were not in favor of a conviction said they did not believe the alleged victim's story.

The victim began crying after the judge announced the mistrial. She was led away from the courtroom through a back door.

"We're disappointed," District Attorney Ron Lopez said.

Ray, who showed no reaction to the mistrial, was being tried on 12 counts involving incidents that allegedly took place in 1996. He is to go on trial later on similar charges involving two other women allegedly abducted in 1999.

AP photo

David Parker Ray is escorted from Rio Arriba County Court in Tierra Amarilla on Thursday, after the jury announced they had deadlocked on verdicts to all counts against the alleged sex offender and kidnapper.

See Mistrial, Page A-3

Mistrial—

Continued from Page A-1

Lopez said he planned Thursday night to file the paperwork necessary to retry Ray on the 12 counts involving the Colorado woman.

Ray will remain locked up while he awaits trial on the other charges, Lopez said.

The district attorney said it may be harder to get a conviction against Ray since the three victims' cases are being heard in separate trials.

Lopez said the jury might not have seen "the whole picture."

Ray's attorney, Jeff Rein, said he was pleased the two female jurors did not believe the victim's story.

"It's clear that the jury paid attention to the evidence," he said.

During closing arguments Wednesday, Rein attacked the credibility of the victim.

FBI/DOJ

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Wednesday
Date: July 12, 2000
Edition: Las Cruces Sun-News
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Las Cruces, NM
Title: White Slave Traffic Act

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FBI — ALBUQUERQUE

The Associated Press

Defendant David Parker Ray waits for testimony to begin again on Tuesday in Tierra Amarilla on the first of his three sex torture trials. Ray, 60, a former mechanic at Elephant Butte State Park, has been charged with sexually torturing a 26-year-old Colorado woman and two other women. Charges involving the other women are to be tried later. Both the prosecution and the defense rested and will begin closing arguments today.

Testimony ends in first Ray sex-torture trial

The Associated Press

TIERRA AMARILLA — Lawyers for both sides rested their cases Tuesday in the trial of an Elephant Butte man accused of abducting a woman, tying her to a table and sexually torturing her.

The defense for David Parker Ray called no witnesses. Closing arguments are set for Wednesday morning.

Psychotherapist David Spencer, the lone witness Tuesday, testified for the prosecution that the alleged victim suffers from post-traumatic stress disorder.

The symptoms are consistent with sexual abuse, said Spencer, of Craig, Colo.

The woman was haunted by memories of the alleged abuse and nightmares when she first came to him, Spencer said.

"She was plain terrified," he said. "She doesn't remember a lot of what happened during that weekend. She related that she could remember being strapped to a table."

Spencer said there are subcategories of post-traumatic stress disorder, and one of them is re-experiencing events, as the alleged victim in this case does.

Another subcategory is avoidance, he said.

"The person would block out the memory so they can't share it," he said, explaining why she did not go to police earlier.

Among things she has avoided as a result have been sexual encounters, which have caused problems with her current husband, Spencer testified under questioning by Assistant District Attorney Jim Yontz.

Defense attorney Jeff Rein asked Spencer if he was aware that such problems date back to her time with her former husband and predate her alleged encounter with Ray.

"I'm just aware that it was present when I met her," Spencer replied.

"If you weren't given the full story, you can't give good advice," Rein suggested.

State District Judge Neil Mertz adjourned court after the defense rested, saying the trial would reconvene Wednesday for closing arguments and jury instructions.

Ray, 60, a former mechanic at Elephant Butte State Park, has been charged with sexually torturing the 26-year-old Colorado woman and two other women. Charges involving the other women are to be tried later.

FBI/DOJ

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Albuquerque Journal
Title: David Parker Ray
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Character: 31C-AQ-52484
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Submitting Office: AQ.

Indexing:

Mistrial Declared in Ray Case

Jurors Unable To Agree on Counts

BY MARY PEREA
The Associated Press

TIERRA AMARILLA — A judge on Thursday declared a mistrial in the case of an Elephant Butte man accused of abducting and sexually torturing a Colorado woman.

State District Judge Neil Mertz said jurors couldn't reach an agreement on any of the 12 counts against David Parker Ray.

The two female jurors who opposed a conviction said they didn't believe the prosecution's lead witness, who testified that Ray kidnapped and sexually assaulted her.

The 26-year-old Colorado woman began crying after the judge announced the mistrial. She was led away from the courtroom through a back door.

"We're disappointed," District Attorney Ron Lopez said.

Ray, who showed no reaction to the mistrial, was being tried on 12 counts involving events that took place in 1996. He still faces two trials on similar charges involving two other women allegedly abducted in 1999.

Lopez said he planned Thursday night to file the paperwork necessary to retry Ray on the 12 counts involving the Colorado woman.

Ray will remain locked up while he awaits trial on the other charges, Lopez said.

The district attorney said it might be harder to get a conviction against Ray since the three women's cases are being heard in separate trials.

Lopez said the jury might not have seen "the whole picture."

Ray's attorney, Jeff Rein, said he was pleased the two jurors didn't believe the Colorado woman's story.

"It's clear that the jury paid attention to the evidence," he said.

During closing arguments Wednesday, Rein attacked the woman's credibility. He said she testified she remembered things as time passed after the 1996 incident.

But, Rein said, "if you're telling the truth, you don't have to remember."

See JUDGE on PAGE A8

JURY DEADLOCKED: Uniformed escorts lead David Parker Ray out of the Rio Arriba County Courthouse on Thursday after a judge declared a mistrial in his kidnapping and rape case.

JOSH STEPHENSON
JOURNAL

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Indexing:

from **PAGE A1**

The woman was missing for several days before Ray drove her to the home of her then-husband's family, saying he found her wandering on a beach at Elephant Butte Lake.

"We're not suggesting that she wasn't at David Ray's house," Rein said. "But she has an awful selective memory."

Cheri Archuleta, 21, said she voted for acquittal "because of the fact that her (the witness's) story doesn't sound so convincing."

The other juror, 23-year-old Phyllis Ortiz, said the Colorado woman's testimony "didn't make sense at all."

Lopez said the defense tried the Colorado woman instead of Ray.

"Unfortunately, this could've played a role in the jurors' decision," he said.

During the two-week trial, prosecutors showed jurors torture devices, a six-minute silent video and a written list of instructions for holding women captive.

The defense called no witnesses but referred to the videotape and sexual devices during closing arguments earlier this week.

Jurors were given the case Wednesday and deliberated over the course of two days for about 8½ hours.

The sex-torture accusations against Ray surfaced in March 1999 when a naked woman fled down a street with a chain on her neck, claiming she escaped from Ray's trailer.

Police searched the trailer and found torture devices, including surgical tools and chemicals, as well as video cameras. Two other women later made similar allegations of being abducted, chained and sexually tortured.

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Date: 7/15/2000
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Albuquerque Journal
Title: DAVID PARKER RAY
Character: 31B-AQ-52484
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Classification:
Submitting Office: AQ

Indexing:

DA Wants Ray Case Back in Court Soon

■ *Mistrial blamed on having to have separate trials for each of the three alleged victims*

BY MARY PEREA
The Associated Press

TIERRA AMARILLA — Prosecutors are regrouping to retry an Elephant Butte man accused of kidnapping and sexually torturing a woman four years ago.

Prosecutors filed the paperwork necessary to retry David Parker Ray shortly after a judge declared a mistrial in the case on Thursday.

Ray was being tried on 12 counts involving the abduction and sexual torture of a 26-year-old Colorado woman in 1996 in Truth or Consequences.

After more than eight hours of deliberating over two days, a Rio Arriba County jury was unable to reach agreement on any of the 12 charges.

District Attorney Ron Lopez said the case against Ray was damaged when the judge ruled separate trials would be held for each of the three women who accused the 60-year-old defendant of sexual-torture.

"We knew that once the case was severed we were going to have a difficult time," Lopez said Friday from his Socorro office.

"It's much easier to attack the credibility of one woman than it is to discredit three women who are telling the same story," he said.

Public defender Jeff Rein was in favor of separate trials.

"If somebody is charged, they should be tried for one thing at a time," Rein said Friday from his office in Albuquerque.

He said it would be impossible for jurors to keep the facts of the three cases straight.

Rein said he has no immediate plans in response to the prosecution's move to retry his client.

Lopez plans to retry Ray on the 12 counts involving the Colorado woman as soon as possible. "I'm very anxious to get this case back to trial," he said.

The prosecution also plans to ask state District Judge Neil Mertz to reconsider some of the evidence excluded from the first trial.

Ray will remain locked up at the Sierra County jail.

The Tierra Amarilla jury was divided by two women in their 20s who said the alleged victim's testimony was not believable.

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Prosecution promises to retry Ray

By Mary Perea
THE ASSOCIATED PRESS

TIERRA AMARILLA — Prosecutors have vowed to retry an Elephant Butte man accused of abducting and sexually torturing a Colorado woman four years ago.

A judge on Thursday declared a mistrial in the case of David Parker Ray. Jurors could not reach an agreement on any of the 12 counts against Ray.

"We're disappointed," District Attorney Ron Lopez said. "We're going to retry Mr. Ray on all of the charges."

Ray, 60, will remain jailed as he awaits trial on similar charges involving two other women who have accused him of holding them against their will in 1999.

Ray, a former mechanic at Elephant Butte State Park, was arrested in 1999 after a woman escaped from his mobile home and ran to a neighbor's home wearing only a padlocked collar.

Police searched Ray's trailer and found torture devices, including surgical tools and chemicals, as well as video cameras. Eventually two other women filed charges against Ray, one of them the Colorado woman.

Ray, who faced up to 151½ years in prison if convicted, showed no reaction Thursday.

Meanwhile, the woman whose allegations were at the heart of the trial began crying when the judge declared a mistrial. She was led from the courtroom through a back door.

Lopez said the defense tried the woman, instead of Ray.

"Unfortunately, this could've played a role in the jurors' decision," he said.

Lopez added that it may be harder to get a conviction against Ray since the three women's cases are being heard in separate trials. The district attorney said the jury might not have seen "the whole picture" during the first trial.

The jury was divided by two women who were in favor of Ray's acquittal.

Ray's attorney, Jeff Rein, said he was pleased the two jurors did not believe the Colorado woman's story.

Juror Cheri Archuleta, 21, was in favor of acquitting Ray "because of the fact that her (the woman's) story doesn't sound so convincing."

The other juror, 23-year-old Phyllis Ortiz, said the woman's testimony "didn't make sense at all."

During the trial, prosecutors showed jurors sexual torture devices, a six-minute silent video and a written list of instructions for holding women captive. The Colorado woman also took the stand.

The defense called no witnesses but referred to the videotape and sexual devices during closing arguments earlier this week.

Jurors were given the case Wednesday and deliberated over the course of two days for about 8½ hours. However, the abrupt end to Ray's first trial was a long time coming.

After a contentious debate in early May between the judge and several New Mexico media organizations, jury selection was made public. It took 12 days and two delays over a four-week period to seat a jury.

The start of Ray's trial, scheduled for June 27, was put off for a few days because of questions about what the judge would allow as evidence as well as Ray's failing health.

The opening day of his trial was interrupted when Ray complained of chest pains and was taken to a clinic for testing.

On Wednesday, shortly after jurors began deliberating, Ray was whisked away in an ambulance after complaining of chest pain.

His attorney said Ray has suffered heart irregularities for some time.

(Indicate page, name of newspaper, city and state.)

Date: 7/14/2000
Edition: Albuquerque Tribune
Title: DAVID PARKER RAY
Character: 31B-AQ-52484
or
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Submitting Office: AQ

Indexing:

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FBI ALBUQUERQUE

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FD-350 (Rev. 5-8-81)

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(Indicate page, name of newspaper, city and state.)

Saturday
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Las Cruces, NM
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Indexing:

Torture trial delayed over whether to allow therapist's testimony

The Associated Press

TIERRA AMARILLA — Prosecutors in the rape-and-kidnapping trial of David Parker Ray showed jurors sexual torture devices and written list of instructions for holding women captive.

But they didn't wrap up their case Friday, as expected. Instead, state district Judge Neil Mertz sent jurors home for the weekend, then heard arguments between the prosecution and defense over whether to allow the jury to hear from the alleged victim's therapist. He then heard some testimony from the therapist.

Ray

Mertz ruled that when the trial resumes Tuesday, the therapist may testify. He will say that the alleged victim suffers from post-traumatic stress disorder.

The prosecution is now expected to finish its case Tuesday, then the defense will present witnesses.

"As far as I know, it will go to the jury next week," said Jeff Rein, Ray's public defender.

The items of evidence — introduced over the defense's objections — were seized from a cargo trailer next to Ray's Elephant Butte mobile home last year.

The massive investigation by state and federal agents was begun in March 1999 when a bloodied Albuquerque woman, naked except for a padlocked collar, escaped from Ray's mobile home.

See Trial, Page A-3

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ters," Mertz said, referring to the adjacent jury room in the old Rio Arriba County courthouse, which has no air conditioning.

"I am just absolutely livid."

Mertz summoned the jury to the courtroom, told them to go home and conducted the hearing.

Spencer, a psychotherapist who is licensed as a clinical social worker, testified that his patient has post-traumatic stress disorder and depression.

He said she suffers from anxiety, has a severe sleep disorder, difficulty eating, sexual problems and low self-esteem.

"She blames herself for what happened. She thinks she was stupid and dumb to have gone with her friend that night. She blames herself for the weekend," he said.

The victim has testified she was taken to Ray's home by his daughter Glenda Jean "Jessie" Ray, who offered her a ride home from a bar in Truth of Consequences.

The therapist also said that the woman told him she believed she may have been drugged. No evidence of that has been presented to the jury.

Mertz ruled that Spencer may testify about the woman's illness and his treatment of it, but not that it was caused by the alleged abduction.

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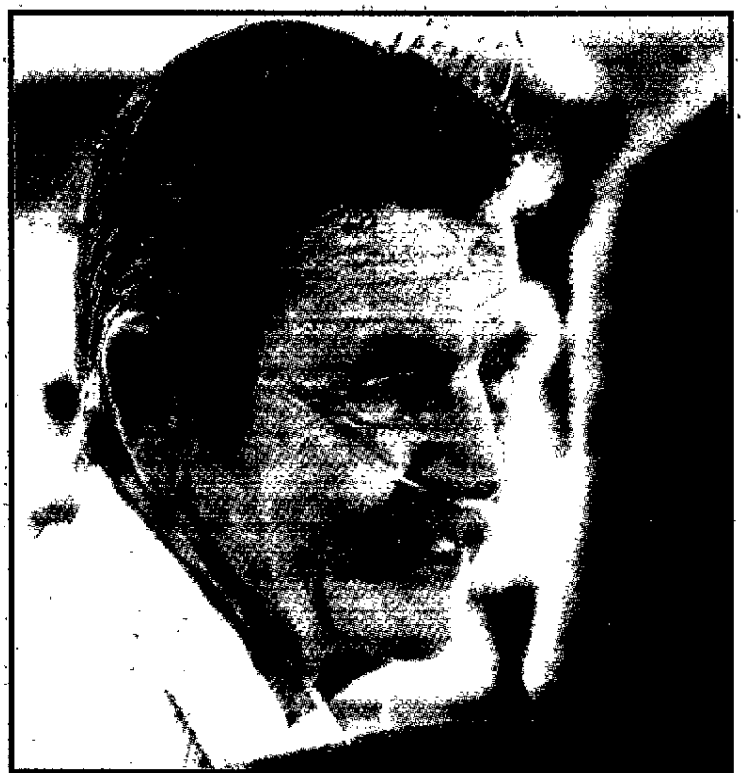
FBI — ALB

Alleged victim testifies about her ordeal



AP photo

David Parker Ray wears an oxygen breathing apparatus while talking with his lawyer Jeff Rein in the Rio Arriba County Court-

The Associated Press

TIERRA AMARILLA — David Parker Ray's alleged victim told the jury in his sex-torture trial on Thursday that she was held at knife point then tied to a bench and sexually abused during her 21/2 days captivity in 1996.

"He told me that he was in some kind of satanic group, and that they had been watching me for a long time and they wanted me for a sex toy," the 26-year-old woman testified.

The slender woman with long blonde hair appeared nervous during nearly two hours of testimony but answered questions firmly.

But when prosecutors showed her a photograph taken from a videotape seized from Ray's utility trailer, she broke down.

"That's me," she said. She covered her face with one hand and cried.

Prosecutors say the former Truth or Consequences resident — who now lives in Colorado — was held by Ray for about 60 hours in late July 1996. Ray is on trial for rape, kidnapping and other crimes.

It's the first of three trials scheduled for Ray, who is also accused in the sex-torture of two other women.

Those allegations surfaced after a bloodied woman escaped from his trailer in March 1999 and ran to a neighbor's hou

The alleged victim in rent trial said she ende Ray's house after his d Jesse, offered her a ric from a Truth or Conse bar.

"She took me to he house," the woman said

She said Ray and his d went into a back room f 10 minutes. When they r one of them — she remember which — held to her throat and the oth her mouth and eyes.

She said she was then a utility trailer next mobile home where she

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Ray jurors view sex video

The Associated Press

TIERRA AMARILLA — Jurors in the rape and kidnapping trial of David Parker Ray saw key prosecution evidence on Wednesday — a graphic video tape of a naked woman lying strapped to a table.

Somber-faced jurors watched intently as a man prosecutors say is Ray repeatedly stroked the woman's body as her wrists, thighs and feet were restrained.

At one point during the silent, six-minute segment of video, the man could be seen placing a piece of tape over her mouth.

Then he released first one wrist, then the other. The woman moved her arms and folded them over her chest.

The video camera was positioned near the woman's feet, which were placed in stirrups as though she were on a gynecological examination table.

Ray, 60, is being tried on criminal sexual penetration, kidnapping and other charges. The alleged crimes occurred July 25-28, 1996.

It's the first of three planned sex-torture trials for Ray, a former mechanic at Elephant Butte State Park, who also faces charges involving two other women between 1996 and 1999.

Sgt. K.C. Rogers, a criminal investigation supervisor with the state police, said he viewed the tape just after it was retrieved from a utility trailer next to Ray's mobile home in March 1999.

"The woman was strapped to a table, her feet in what appeared to be stirrups, legs spread wide apart ... Mr. Ray was touching her, fondling her," Rogers told jurors before they viewed the tape. "Her face was duct-taped."

The identifying characteristics — a woman with cornrow braids and a distinctive tattoo of a bird on her leg — eventually provided investigators with a first name, which in turn matched a tip that had been called in by her former mother-in-law, Rogers said.

The woman — a former resident of Truth or Consequences who now lives in Colorado — may testify as early as Thursday, prosecutors said.

AP photo

Defendant David Parker Ray is escorted into the Rio Arriba County Courtroom in Tierra Amarilla on Wednes-

Patrick Murphy, whom the woman married just before the alleged crimes, testified in a videotaped statement watched by the jury that his wife walked away from his parents' home, where they were staying, after an argument.

Murphy said she reappeared a few days later smelly, disheveled and shoeless, driven home by Ray who said he found her on the beach.

His wife claimed not to know where she had been, Murphy said. "She was out of it. She wasn't coherent ... I thought she was under the influence of a narcotic or something," he said.

Angry, he told her to leave. Assuming she had left him, he had already filed papers to dissolve the marriage, Murphy said in his statement.

Murphy said his ex-wife was a friend of Ray's daughter and that he figured the three had concocted Ray's story

See Ray, Page A-3

(Indicate page, name of newspaper, city and state.)

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JUL 07 2000

FBI — ALBUQUERQUE

FBI/DOJ

Torture trial recessed until Wednesday

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FBI — ALBU

By Barry Massey
Associated Press Writer

TIERRA AMARILLA — The trial of man accused of kidnapping and sexually torturing a Truth or Consequences woman recessed Friday after less than an hour and a half of testimony, prompting the district attorney to express dismay about the pace.

It took 12 days spread over a four-week period to seat a jury to hear charges against David Parker Ray, 60. The start of the trial, scheduled for Tuesday, was delayed until Thursday while state District Judge Neil Mertz ruled what evidence would be admitted.

"We are becoming concerned because we want to establish the case in an understandable flow for the jury," District Attorney Ron Lopez said after Friday's session. "It's becoming difficult when you have so many disruptions."

Friday's testimony came from an FBI agent who testified about the procedures used to preserve evidence at Ray's property and from a former Sierra County sheriff's deputy who discussed security at the scene.

Mertz temporarily recessed after less than an hour of testimony Friday afternoon at the request of Ray's attorney, Jeff Rein. During the 17-minute

See Trial, Page A-3

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Trial

Continued from Page A-1

recess, Ray was given oxygen.

He was attached by a thin tube to an oxygen tank when testimony resumed.

After the FBI agent finished testifying, Mertz recessed until 1 p.m. Wednesday.

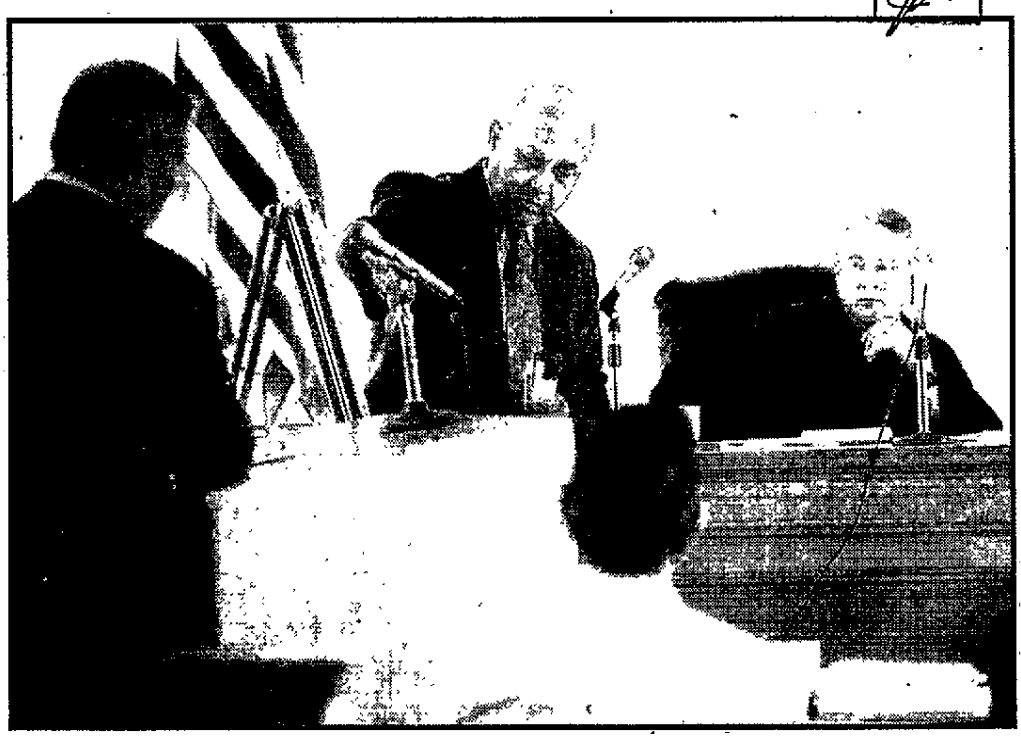
Rein said after Ray had experienced "mild chest pains."

"He was pooped. He was kind of worn out and tired," Rein said after court wrapped up.

Ray has had occasional problems with heart irregularities for some time, he said.

Thursday's opening day also was interrupted when Ray complained of chest pains and was taken to a clinic for testing.

Earlier this year, he was hospitalized with what was described as a heart condition.



AP photo

FBI Special Agent Anthony L. Maxwell Jr., center, draws and explains the layout of property occupied by David Parker Ray during Ray's trial Friday in Tierra Amarilla. Ray, back to camera, prosecuting attorney James Yontz, left, and Judge Neil Mertz, right, look on.

FBI Special Agent Anthony Maxwell of Albuquerque, who was in charge of FBI teams who gathered and preserved evidence at Ray's property in March 1999, described procedures the FBI used to collect, identify, tag, preserve and keep evidence secure.

Before Maxwell took the stand, former Sierra County Deputy Peter Bowidowicz — now a marine enforcement officer at Elephant Butte State Park — testified about helping secure the perimeter of Ray's property on March 20, 1999 to keep people out pending the arrival of investigators.

Lopez said more law enforcement witnesses would testify next week.

He said the early testimony is intended to establish what led police to identify and locate the alleged victim, even though the crimes occurred in 1996, three years before the investigation.

The prosecution also plans to show, perhaps as early as Wednesday, a videotape collected from a cargo trailer next to Ray's mobile home that shows the alleged victim.

Ray, a former mechanic at Elephant Butte State Park, faces up to 151½ years in prison if convicted of all 12 charges in the first of three trials on sex-torture allegations involving three women in separate incidents between 1996 and 1999.

Charges involving the other women will be heard in later trials.

FBI/DOJ

FD-350 (Rev. 5-8-81)

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Trial starts for man accused of sexually torturing woman

By Barry Massey
Associated Press Writer

TIERRA AMARILLA — The trial of an Elephant Butte man accused of abducting and sexually torturing a woman was interrupted Thursday when the defendant complained of chest pains and was taken by ambulance to a clinic.

David Parker Ray went on trial in the first of three prosecutions he faces for allegedly abducting and torturing three women at his lakeside home in southern New Mexico. Ray faces up to 150 years in prison if convicted of all 12 charges in the first sex-torture case.

Opening statements in the case had concluded and the trial was in recess before the prosecution called its first witness when Ray complained of chest pains, District Attorney Ron Lopez said.

Ray was taken to a nearby clinic, examined and late Thursday was returned to a jail cell across from the Rio Arriba County courthouse.

State District Judge Neil Mertz recessed the trial until Friday. He informed the jury of Ray's condition and told them that if the trial resumed, it would do so on Friday afternoon.

The judge did not provide any information on what doctors who examined Ray at the local clinic found. Defense attorney Jeff Rein declined comment.

Earlier this year the 60-year-old Ray was hospitalized for several days with what was described as a heart condition. He arrived at a court hearing in March wearing a heart monitor and was later taken to a Las Cruces hospital.

The first trial will focus on allegations by a woman that she was held at knifepoint, handcuffed and gagged in July 1996, then taken to a trailer and raped.

Ray arrived for the opening day of the trial wearing black jeans, cowboy boots and a striped western shirt. Before the trial started, he was smiling and joking with his two lawyers. Most of the time he was leaning back in a cushioned chair observing the proceedings.

In opening statements to the jury, Deputy District Attorney James Yontz recounted for the

See Trial, Page A-3

sexual practices," Rein said.

The case is being heard by a panel of 10 men and eight women.

separate incidents between 1996 and 1999.

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FBI — ALBUQUERQUE

FBI/DOJ

FD-350 (Rev. 5-8-81)

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Judge ousts evidence, testimony in Ray trial

Thrown out: Knives, guns, chains, straps and sexual devices

The Associated Press

TIERRA AMARILLA — An Elephant Butte man accused of sexually torturing a woman will go on trial this afternoon after weeks spent picking a jury and a day spent deciding what evidence will be allowed.

David Parker Ray, 60, faces 12 charges based on the testimony of a woman who alleges she was held at knifepoint, handcuffed and gagged in July 1996, then taken to a trailer where she was raped.

Ray's trial had been slated to begin Tuesday, but the state Supreme Court agreed with a prosecution request to delay it until state District Judge Neil Mertz ruled what evidence would be admitted.

Mertz on Tuesday threw out dozens of pieces of evidence, including photographs of sexual devices, guns, knives, chains and straps and a printed sheet detailing psychological and physical procedures for handling captives. He said prosecutors could not show that the items, seized during a 1999 raid, were present in 1996 when the crimes allegedly occurred.

The judge also refused to allow the testimony of an FBI profiler and crime scene analyst. The judge said she lacked the proper education to be considered an expert witness.

Mertz said other pieces of evidence, including a trailer where the alleged torture occurred, could not be introduced unless prosecutors could lay a foundation showing why they should be allowed.

(Indicate page, name of newspaper, city and state.)

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FBI — ALBUQUERQUE

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Prosecution unsure how sex torture case will go

The Associated Press

TIERRA AMARILLA — Prosecutors in the sex-torture case of David Parker Ray were unsure Friday what evidence and which witnesses will be allowed in the trial, which is set to begin Tuesday.

Prosecutor Jim Yontz on Friday asked state District Judge Neil Mertz, who is presiding over the case, to rule on the evidence, and Mertz responded: "You better bring what you've got."

District Attorney Ron Lopez said later that the evidence in question includes more than 300 items, including a trailer where two of Ray's three accusers say they were held against their will and sexually tortured.

"We're anxious to get a ruling on the admissibility of the evidence in order to anticipate how we're going to head to trial," Lopez said. "How do you prepare an opening statement when you don't know what evidence or witnesses will be allowed?"

Ray's three accusers will be heard in separate trials. The first one starts Tuesday at the Tierra Amarilla courthouse at 8:30 a.m.

In that trial, Ray faces 12 charges based on the testimony of a woman who alleges that in July 1996, she was held at knifepoint, handcuffed and gagged, and then taken to the trailer where she was raped with sexual devices.

Ray faces a total of 37 counts, including kidnapping and rape, stemming from the allegations of the three women.

The incidents allegedly occurred at Ray's home near Elephant Butte between 1996 and 1999.

Lopez said he is concerned that Mertz won't make his ruling until the jury is assembled in the courtroom on Tuesday.

"Our legal remedies are greatly curtailed once the jury is impaneled," Lopez said, noting that an appeal of a ruling excluding evidence would no longer be possible at that point.

Other evidence includes videotaped testimony identifying Ray's voice on an audio tape describing how victims would be tortured, photographs of items found in the trailer and inside Ray's home, diagrams depicting sexual torture and other items.

Witnesses include an FBI profiler from Quantico, Va., who said in an earlier hearing that Ray is a sexual sadist who held the women against their will.

(Indicate page, name of newspaper, city and state.)

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FBI — ALBUQUERQUE

FBI/DOJ

Attorneys agree on jury in Elephant Butte sex torture case

The Associated Press

TIERRA AMARILLA — Attorneys have agreed on 10 men and eight women who will make up the 12 jurors and six alternates in the trial of a man accused of sexually torturing a woman at his home at Elephant Butte in 1996.

The jurors were chosen Thursday, but the exact breakdown between jurors and alternates was not made public.

All 18 will hear the case. Once testimony concludes, court officials will reveal which 12 are the actual jurors who will deliberate the fate of David Parker Ray.

Trial for Ray, 60, is to begin Tuesday. State District Judge Neil Mertz of Socorro, who is hearing the case in Rio Arriba County on a change of venue, said jurors have been ordered to report with the expectation of hearing opening statements and testimony.

Ray faces 12 charges based on the testimony of a woman who alleges she was taken to his trailer in July 1996, held at knifepoint, handcuffed and gagged and then sexually tortured.

He faces a total of 37 counts, including kidnapping and rape, stemming from the allegations of the woman in the first trial and two others. The alleged incidents occurred at Ray's home near Elephant Butte between 1996 and 1999.

Each of the cases is scheduled for a separate trial.

During a hearing after jury selection, Ray's defense attorney, Jeff Rein, questioned an FBI profiler from Quantico, Va., who the prosecution wants as an expert witness on sexual sadism. The hearing was set to determine whether Mary Ellen O'Toole will be allowed to testify.

Mertz ended the hearing late Thursday without ruling on whether O'Toole will be allowed to testify in the case. He said Rein will be allowed to finish asking his questions on Friday.

O'Toole said Ray is a textbook example of a criminal sexual sadist. She said sexual sadism becomes criminal when other people are forced to participate.

O'Toole, who investigated the crime scene last year, alleged that Ray kept notes of his encounters, a hallmark of sexual sadism.

"One of the purposes is to record thoughts, urges and ideas in order to relive them later," she said. "This shows how advanced this case is."

She also said the trailer next to his home where Ray allegedly sexually tortured two of the women had been soundproofed and padlocked. She said the customizing indicated that the victims were not consenting to the activity.

In a contentious cross-examination, Rein asked: "How many times have you gotten the wrong guy?"

Mertz intervened, calling Rein's questions "a little argumentative," and asked O'Toole if a way has been established to determine if profilers have made errors.

"There are so many variables... we may be off on one or two points of a 50 point profile," she said.

(Indicate page, name of newspaper, city and state.)

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FBI/DOJ

FD-350 (Rev. 5-8-81)

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Second Ray Trial To Be in Estancia

TIERRA AMARILLA — A judge has scheduled a November trial in Estancia for David Parker Ray on charges he sexually tortured a woman who has since died.

Angelicia Montano, who died last month, had contended she went to Ray's home last year to pick up a cake mix and was taken captive. Ray is accused of kidnapping and sexually torturing her at a trailer in Elephant Butte.

State District Judge Neil Mertz ordered Wednesday that Ray will stand trial Nov. 27 in Estancia on those charges.

Ray is currently being tried on charges relating to a woman who claims she was taken prisoner and raped in 1996.

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Date: 6/27/2000
Edition:
Albuquerque Journal
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Judge Delays Sex-Torture Trial

Clarification On Evidence Ordered

The Associated Press

TIERRA AMARILLA — The state Supreme Court on Monday delayed the trial for an Elephant Butte man accused of abducting and sexually torturing a woman, ruling that before David Parker Ray faces a jury the judge must tell prosecutors what evidence he will let them present.

When prosecutors asked state District Judge Neil Mertz to rule on the evidence Friday, he responded: "You better bring what you've got."

District Attorney Ron Lopez had complained that he could not prepare an opening statement without knowing what evidence or witnesses would be allowed in the trial.

The trial was set to begin today. The Supreme Court, however, ordered Mertz to halt further proceedings "until not less than 24 hours after the court (Mertz) has entered its decision in writing" on the evidence. The Supreme Court said he should make his decision as soon as possible.

PARKER RAY: Trial was to begin today

Lopez was on his way to Tierra Amarilla and could not be reached for comment.

Prosecutors argued in their writ to the Supreme Court that the delay would be only 24 hours, since Mertz said Friday he would rule before opening statements.

The 24 hours would give the state time to review what evidence Mertz ruled admissible and "prepare an adequate opening statement so as to provide the jury with an overview as to what the evidence will show."

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The evidence includes videotaped testimony identifying Ray's voice on an audiotape describing how victims would be tortured, photographs of items found in a trailer and inside Ray's home, diagrams depicting sexual torture and other items. Expected witnesses include an FBI profiler from Quantico, Va., who said in an earlier hearing that Ray is a sexual sadist.

Prosecutors said they also could avoid unnecessary expense to the state if they knew beforehand what witnesses they could bring in.

Ray, 60, faces 12 charges based on the testimony of a woman who alleges that in July 1996 she was held at knifepoint, handcuffed and gagged, then taken to a trailer where she was raped with sexual devices.

It is the first of three trials expected for Ray stemming from similar allegations by three women who said they were held against their will and sexually tortured.

Ray faces a total of 37 counts, including kidnapping and rape, in the separate incidents between 1996 and 1999.

Ray's 33-year-old daughter, Glenda, and Ray's girlfriend, Cynthia Lea Hendy, 40, also were arrested in connection with sex-torture accusations that surfaced in March 1999 after a naked woman fled down a street with a chain on her neck and said she had escaped from Ray's trailer.

The other two women later made similar allegations of being abducted and sexually tortured.

Mertz earlier this year ordered the trials of Ray and his daughter separated and moved out of Sierra County. He also ordered three separate trials for Ray.

Glenda Ray faces 12 counts involving the kidnapping and torture of one woman.

Hendy, who originally faced 25 charges, pleaded guilty to two counts of being an accessory to kidnapping, two counts of being an accessory to criminal sexual penetration and one count of conspiracy to kidnap.

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Torture Trial To Begin

Rio Arriba County Jury To Consider 1996 Case

BY CHRIS ROBERTS
The Associated Press

TIERRA AMARILLA — An Elephant Butte man accused of sexually torturing a woman will go on trial today after weeks spent picking a jury and a day spent deciding what evidence will be allowed.

David Parker Ray, 60, faces 12 charges based on the testimony of a woman who says she was held at knifepoint, handcuffed and gagged in July 1996, then taken to a trailer and raped.

RAY: Jury will consider a dozen charges

Ray's trial had been slated to begin Tuesday in Rio Arriba County, but the state Supreme Court agreed with a prosecution request to delay it until state District Judge Neil Mertz ruled on what evidence would be admitted.

Mertz on Tuesday threw out dozens of pieces of evidence, including photographs of sexual devices, guns, knives, chains and straps and a printed sheet detailing psychological and physical procedures for handling captives. He said prosecutors could not show that the items, seized during a 1999 raid, were present in 1996 when the woman says the crimes occurred.

The judge also refused to allow the testimony of an FBI profiler and crime scene analyst. The judge said she lacked the proper education to be considered an expert witness.

Mertz said other pieces of evidence, including a trailer where prosecutors say the torture occurred, could not be introduced unless prosecutors could lay a foundation showing why they should be allowed.

He agreed to admit some photos of the interior of the trailer, a list pasted on a wall inside it detailing how to handle people and a videotape of the woman who says she was victimized.

This is the first of three trials for Ray on charges stemming from allegations by three women who said they were held against their will and sexually tortured. He faces a total of 37 counts in separate incidents between 1996 and 1999.

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FBI ALBUQUERQUE

FD-350 (Rev. 5-8-81)

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Prosecution files motion to retry Ray in sex case

By Mary Perea
Associated Press Writer

TIERRA AMARILLA — Prosecutors said Friday they have filed the paperwork needed to retry an Elephant Butte man whose trial on charges of abducting and sexually torturing a Colorado woman ended in a hung jury.

State District Judge Neil Mertz on Thursday declared a mistrial in the case of David Parker Ray. Jurors could not reach an agreement on any of the 12 counts against him.

The paperwork for another trial was on Mertz's desk before everyone left the Rio Arriba County Courthouse Thursday, District Attorney Ron Lopez said Friday from his Socorro office.

"We're just awaiting approval," Lopez said. "We have requested that this trial be scheduled to retry as soon as possible."

The judge will decide when and where the next trial will take place, Lopez said. Local publicity would make it difficult to retry Ray in Tierra Amarilla, he added.

Mertz was unavailable for comment Friday.

A message left for Ray's attorney, Jeff Rein, was not immediately returned.

Ray, 60, will remain jailed as he awaits trial on similar charges involving two other women allegedly held against their will in 1999.

Ray, a former mechanic at Elephant Butte State Park, was arrested in 1999 after a woman wearing only a padlocked dog collar ran to the home of one of his neighbors, saying she had escaped from his mobile home.

Police searched Ray's trailer and found torture devices and video cameras. Eventually two other women were identified by police, including the Colorado woman.

Lopez said Thursday it may be harder to get a conviction against Ray since the three cases are being heard in separate trials.

The Tierra Amarilla jury was divided by two women in their 20s who were in favor of Ray's acquittal.

Rein said Thursday he was pleased the two jurors did not believe the Colorado woman's story.

"It's clear that the jury paid attention to the evidence," he said.

(Indicate page, name of newspaper, city and state.)

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Las Cruces, NM
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November trial date set for Ray

The Associated Press

TIERRA AMARILLA — A judge on Wednesday scheduled a November trial in Estancia for David Parker Ray on charges he sexually tortured a woman who has since died.

Angelicia Montano died last month, and medical examiners are still trying to determine the cause of her death. But her death is apparently unrelated to Ray, who was in jail when she died.

She had claimed she went to Ray's home last year to pick up a cake mix and was taken captive. Ray is accused of kidnapping and sexually torturing her at a trailer in Elephant Butte.

State District Judge Neil Mertz ordered Wednesday that Ray will stand trial Nov. 27 in Estancia on those charges.

Mertz has ruled that Ray is to be tried separately for crimes relating to each of three alleged victims.

Ray is currently on trial for charges relating to a woman who claims she was taken prisoner and raped in 1996.

Jury selection continued Wednesday in that part of the case. Attorneys said the selection process could continue next week.

Two potential jurors were excused Wednesday, one because of hardship and the other because she did not reside in Rio Arriba County.

Another woman questioned Wednesday said her daughter was sexually abused at the age of 12 by a relative. Defense attorney Jeff Rein asked her if her daughter's experience would interfere with her judgment.

The woman answered, "He's innocent until proven guilty."

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Date: June 2, 2000
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Title: White Slave Traffic Act

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Prosecution asks judge to allow photos, other evidence

The Associated Press

TIERRA AMARILLA — Prosecutors in the case of a man accused of kidnapping and sexually torturing three women at his home near Elephant Butte have asked a judge to allow photos, diagrams and other evidence that defense attorneys were trying to exclude.

David Parker Ray, 60, is charged with 37 counts involving the alleged kidnapping and torture of three women. His first trial on 12 counts, scheduled to start here in early June, involves only one of the women, who said she was kidnapped and tortured in 1996.

Defense attorney Jeff Rein argued last week that evidence submitted by prosecutors is related to the two more recent alleged incidents.

He asked state District Judge Neil Mertz to throw out photos of a trailer referred to as the toy box, which contained a chair with restraints and torture devices. Rein argued there is no evidence the trailer was present on Ray's property in 1996.

Prosecutor Jim Yontz, in his response, wrote: "All of these cases are related as (evidence of) a continuing course of conduct of the defendant which he himself admits has been going on since he was 15 years of age."

Yontz argues that Ray's accuser will testify she was taken to a trailer where she was sexually tortured. He says a videotape will show a trailer that "has all the appearance of being the same trailer."

Yontz says the tape will "demonstrate that the defendant made various changes to the interior as time progressed."

Rein argued that pictures and diagrams of sex devices, whips, chains, guns and other evidence date from 1999 and that the woman in Ray's first trial has never identified the items.

Allowing the evidence would only prejudice the jury and wouldn't directly prove any of the woman's allegations, he contended.

Yontz responded that, "The question is not one of merely being prejudicial to the defendant, otherwise no evidence could be admitted against the defendant." He said the evidence must be shown to create "unfair" prejudice, which substantially outweighs the ability of the evidence to provide proof of the crimes.

And he said there is no requirement that photos of a crime scene be from the exact time the crime was committed or that an alleged victim must identify the scene.

"To hold to the contrary would mean that no murder scene could be shown to the jury unless the victim identified it, an act not likely to occur in any court," Yontz wrote.

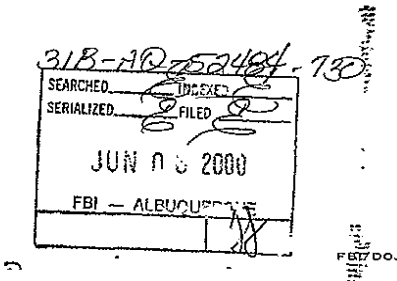
The sex-torture accusations surfaced in March 1999 when a naked woman fled down a street near Elephant Butte with a chain on her neck, claiming she escaped from Ray's trailer.

Separate trials are planned on charges involving each of the three women.

The alleged victim in the first trial is a woman who says she was taken to Ray's trailer in July 1996, handcuffed, gagged and held at knifepoint.

Prospective jurors have been questioned over the last two weeks, including 12 people, six men and six women, on Thursday.

Two of the women said they had already determined Ray was guilty of the charges and a third said she had been raped and would feel sympathy for Ray's accusers.



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May 27, 2000
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Lawyers argue to suppress other evidence in Ray case

The Associated Press

TIERRA AMARILLA — Lawyers for a man accused of kidnapping and sexually torturing three women at his home near Elephant Butte filed a motion Friday to exclude photos, diagrams and other evidence in the case.

David Parker Ray, 60, is charged with 37 counts involving the alleged kidnapping and torture of three women. His first trial on 12 counts, scheduled to start here in early June, involves only one of the women, who said she was kidnapped and tortured in 1996.

Defense attorney Jeff Rein argued in his motion that evidence submitted by prosecutors is related to the two more recent alleged incidents.

He asked state District Judge Neil Mertz to throw out photos of a trailer referred to as the toy box, which contained a chair with restraints and torture devices.

Rein argued there is no evidence the trailer was present on Ray's property in 1996.

He also argued that pictures and diagrams of sex devices, whips, chains, guns and other evidence date from 1999 and that the woman in Ray's first trial has never described the items.

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Prospective juror calls Ray 'scum of the earth'

The Associated Press

TIERRA AMARILLA — Most of the prospective jurors questioned Thursday in the sex-torture trial of David Parker Ray seemed to have their minds made up: Guilty.

"As far as I'm concerned, he's guilty and he should be tortured like he tortured those women, and then be sent to prison to die," one woman said when questioned about the case by state District Judge Neil Mertz.

Neither the defense or the prosecution had any questions for her, and she was excused from the Rio Arriba County Courthouse. On her way out, she spoke to defense attorney Jeff Rein and referred to Ray, sitting at the table, as "the scum of the earth." Ray did not show any visible reaction.

Rein explained to another prospective juror, a man, that the case would involve graphic sexual evidence. Rein asked him how he would react if exposed to pornography, and he responded, "I think I would be disgusted."

Rein told the man he needed to look at all the evidence if he were a juror. "If jurors are so disgusted by the evidence that they think he's guilty before hearing the case, then we don't have a chance," he said.

Jury selection began Tuesday in Tierra Amarilla, about 250 miles from the Elephant Butte mobile home community where the alleged kidnappings and tortures occurred, dating back to 1996.

Ray, 60, is charged with 37 counts involving the alleged kidnapping and torture of three women.

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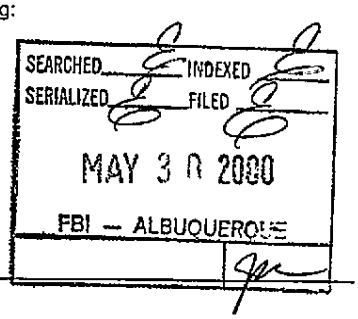

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Thursday
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Many women questioned thought Ray guilty

The Associated Press

TIERRA AMARILLA — Many of the women questioned Wednesday as prospective jurors in the sex-torture trial of David Parker Ray said they believe Ray is guilty, while some said they haven't decided.

The women, without looking at Ray, gave their responses under questioning by state District Judge Neil Mertz, Assistant District Attorney Jim Yontz and defense attorney Jeff Rein.

Rein did not bother to question those who indicated they already had made up their minds.

"I just think it was a very sick mind that gave rise to such acts against women," one woman said when Mertz asked what she knew of the case.

Asked if she could assume Ray innocent, she said: "I don't know." And she said she does not wish to be a juror.

"This was a terrible crime, whoever committed it, and I just don't feel comfortable serving on this jury," she said.

When Yontz asked if she thought it would be an interesting case, she replied: "It would be interesting, but I wouldn't want to be responsible for anybody's life or future."

Jury selection began Tuesday in Tierra Amarilla, about 250 miles from the Elephant Butte mobile home community where the alleged kidnappings and tortures occurred, dating back to 1996.

Ray, 60, is charged with 37 counts involving the alleged kidnapping and torture of three women. The sex-torture accusations surfaced in March 1999 when a naked woman fled down a street near Elephant Butte with a chain on her neck, claiming she escaped from Ray's trailer. Ray was in the courtroom Wednesday.

The current trial involves only one of the three alleged victims and 12 of the counts. Separate trials are planned on charges involving each of the two other victims.

The alleged victim in this trial involves a woman who says she was taken to Ray's trailer in July 1996, handcuffed, gagged and held at knifepoint.

A videotape found in Ray's Elephant Butte mobile home showed her bound to a table in an instrument-filled trailer, state police Sgt. K.C. Rogers said during a preliminary hearing last year.

"In the video, it was fairly apparent that she was not a willing participant," Rogers testified.

State District Judge Neil Mertz moved the trial to Tierra Amarilla in Rio Arriba County because of extensive news coverage in Sierra County.

Initially, Mertz ruled jury selection would be closed to the public and news crews. But the media protested, and Mertz ruled May 9 it would be open.

One woman who was questioned told Mertz she did not believe she could base a verdict strictly on what she heard in court — and that she would "definitely" be influenced by what she has already seen and heard about it. She told the judge she had made up her mind.

When Yontz asked which way, she answered: "Guilty."

Another woman who was questioned suggested that she might not automatically believe police. She claimed her son was falsely accused of molesting a 5-year-old girl four years ago and was pressured by police into confessing.

District Attorney Ron Lopez asked her if she could objectively listen to police testimony and believe it.

"I think I would like to hear both sides of the story before I would make a decision," she said.

> "I just think it was a very sick mind that gave rise to such acts against women."
> — prospective juror

Rein asked if her son's situation would affect her decision in this trial.

"I think I would be able to handle it pretty fairly," she said.

Rein told one woman, "I think this is a tough case for a woman to be a juror on," then described that it involved different forms of pornography. He asked if he thought she could be fair as a juror. She replied that she didn't know if there would be a perfect juror for such a case.

Ten potential jurors were questioned Wednesday, eight of them women.

One of the men who was questioned pulled out a Bible and identified himself as a Jehovah's Witness. He asked if he could read from it.

He read, "Who are you to be judging your neighbor?" then said, "I can't judge anybody for that reason."

FBI/DOJ

FD-350 (Rev. 5-8-81)

(Indicate page, name of newspaper, city and state.) PAGE 1 SUN-NEWS LAS CRUCES, NM

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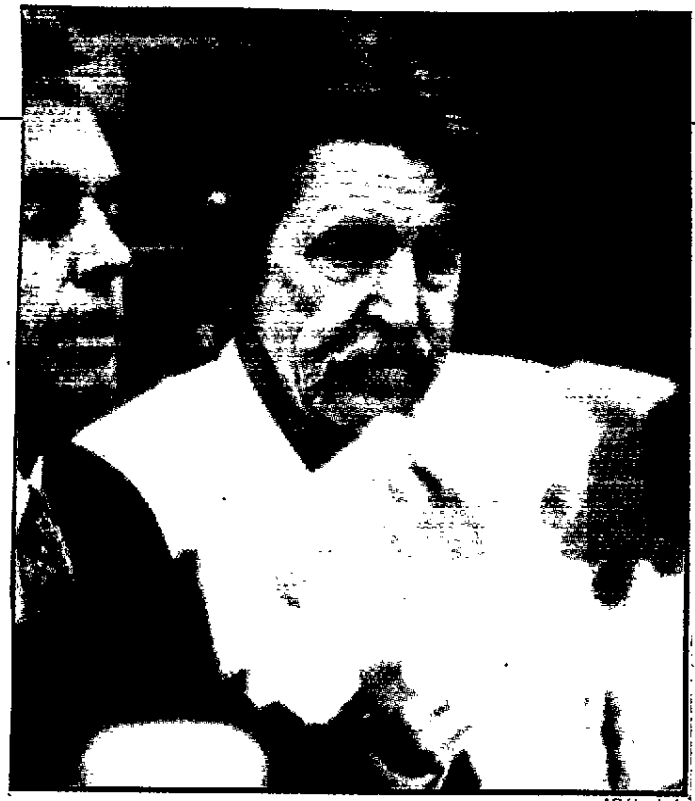

AP file photo

David Parker Ray, right, shown on April 16, 1999, in Truth or Consequences, is charged with 37 counts involving the alleged kidnapping and torture of three women.

Jurors line up for sex-torture case

The Associated Press

TIERRA AMARILLA — Lawyers warned potential jurors Tuesday that testimony in the sex-torture trial of David Parker Ray could get graphic, and the attorneys wanted to know if they could handle it.

Ray, 60, is charged with 37 counts involving the alleged kidnapping and torture of three women. The sex-torture accusations surfaced in March 1999 when a naked woman fled down a street near Elephant Butte with a chain on her neck, claiming she escaped from Ray's trailer.

The current trial involves only one of the three alleged victims and 12 of the counts. Separate trials are planned on charges involving each of the two other victims.

One member of the jury pool said Tuesday she avoids movies that have rape and violence.

"I made a decision not to be entertained by it," said the woman, whose name was not released.

Defense attorney Jeff Rein told her some of the testimony could be demeaning for women.

"It could trigger memories," Rein said.

Her response: "I think it may have some effect on me."

"Some people may not be able to hear the evidence and hold the state to their burden (of proof beyond a reasonable doubt)," Rein said.

The jury pool is from Rio Arriba County in northern New Mexico, about 250 miles from Elephant Butte.

Ray sat in the Rio Arriba County Courthouse as panelists were questioned by defense and prosecution lawyers.

The jury selection process is expected to take about two weeks.

Assistant District Attorney Jim Yontz said about 80 people need to be questioned to end up with a final pool of 35. Attorneys will choose 12 jurors and six alternates from the final pool.

By the end of the first day Tuesday, seven potential jurors

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Trial

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had been interviewed in the process known as "voir dire," which means "to see speak."

The first was a woman from Santa Clara Pueblo who works for a gambling casino, watching for cheaters.

The woman, who said she has taken a class in law enforcement, said she believes she can be objective about evidence in the case. She said she avoids reading news or watching it on television.

The second woman said she subscribes to a Santa Fe newspaper, The New Mexican, and had read a little about the case. She said, for example, she had heard investigators were looking for other victims to step forward — and that homicides might be involved.

Yontz told another pool member: "The evidence is going to be graphic in nature. It's going to involve nudity, pornography."

He asked the woman if she could discuss such evidence with strangers, and she said she could.

But when asked if she could look at exhibits that might be considered pornographic, she said: "No, I don't think so."

The woman, who lives near Española, said she works at San Juan Pueblo's Oh-Kay Casino in a job that involves handling money.

Defense attorney Kathy Love asked her if she would hold it against someone who didn't wish to speak in their own defense.

"Maybe they're guilty if they don't want to talk about it," the woman said.

This trial involves an alleged victim who says she was taken, unawares, to Ray's trailer in July 1996. The woman testified at a preliminary hearing last year that she had been visiting bars in the Elephant Butte area with friends and was taken to Ray's trailer, that a knife was held to her throat, that she was handcuffed and that duct tape was placed over her mouth and around her wrists.

A videotape found in Ray's Elephant Butte mobile home showed her bound to a table in an instrument-filled trailer, state police Sgt. K.C. Rogers said during the preliminary hearing.

"In the video, it was fairly apparent that she was not a willing participant," Rogers testified.

The woman's former mother-in-law testified the woman appeared drugged when she returned home and remembered little about the days she had been missing. She said her daughter-in-law came home in the company of Ray, who claimed he had found her dehydrated and "wandering on the beach" at Elephant Butte Lake.

State District Judge Neil Mertz moved the trial to Tierra Amarilla in Rio Arriba County because of extensive news coverage in Sierra County.

Initially, Mertz ruled jury selection would be conducted behind closed doors. But news media protested, and Mertz ruled May 9 it would be open after all.

Mertz opened Tuesday's proceedings by joking: "You may wonder what I'm doing here in Rio Arriba County. First, let me assure you, I am not lost."

He explained why the trial had to be held in northern New Mexico and told panelists he hoped a jury would be seated by June 7.

Initially, Mertz planned to conduct the jury selection at the Española National Guard Armory, about 50 miles closer to Santa Fe. But he noted last week that the devastating Los Alamos fire had pre-empted the armory for firefighting efforts.

Despite his ruling that voir-dire would be open, Mertz did close the interview of one prospective panelist Tuesday.

The slightly built, dark-haired woman balked when Mertz asked if she had seen or heard anything about the case in the news.

"Would you feel more comfortable doing that (interview) privately?" the judge asked.

"Probably so," she said, and all parties promptly went into the judge's chambers to complete the interview.

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FBI — ALBUQUERQUE

Jury selection moved to Tierra Amarilla

The Associated Press

TIERRA AMARILLA — The Los Alamos fire has forced a judge to move jury selection Tuesday for the trial of a man accused of kidnapping and sexually torturing three women from Espanola to Tierra Amarilla.

The trial of David Parker Ray, who was charged with the crimes in Sierra County, was moved north to Rio Arriba County because of pretrial publicity. Jury selection was to be held in Espanola because the bulk of that county's population lives there, attorneys said. Once a jury was picked, the trial would proceed at the county courthouse in Tierra Amarilla.

However, State District Judge Neil Mertz explained in a notice filed Friday that the Espanola National Guard Armory was unavailable for jury selection, "due to its use for conducting operations in connection with the Cerro Grande Forest Fire nearby."

Jury selection is scheduled to start at 9 a.m. Tuesday in Tierra Amarilla in one of three separate trials Ray faces — one for each of the three alleged victims.

The armory in Espanola is about 25 miles north of Santa Fe, while the Rio Arriba County Courthouse in Tierra Amarilla is about 80 miles northwest of Santa Fe — and about 250 miles from Elephant Butte, where the alleged crimes occurred.

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Las Cruces, NM
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Parker Ray gets 223-plus years in sex torture case

The Associated Press

TRUTH OR CONSEQUENCES — David Parker Ray, who held women in chains in a backyard sex-torture trailer, was sentenced Thursday to 223-plus years in prison.

Ray, 61, was arrested in March 1999 after a naked woman wearing only a dog collar and chain fled Ray's Elephant Butte trailer. On Thursday, he testified that he could not undo the crime or take it back.

"I can only be sorry for what I did," Ray said.

Ray said there were numerous lies and distortions about him during the case, which originally involved three victims. But the sentence handed down Thursday by state District Judge Kevin Sweazea dealt with just two victims tortured in 1996 and 1999. The third victim, Angelica Montano, died of pneumonia last year, and Ray was never tried for her part of the case. Under his plea agreement, the district attorney's office dismissed that third case.

Attorney General Patricia Madrid, appearing Thursday for the state, said it was necessary to "keep the animal in his cage. The animal can't live among us."

"As a community and state and we can't risk him being out on the streets," Madrid told the court.

During his testimony, Ray said to Madrid: "I'm sorry that you got all the credit" for the case.

Several witnesses testified, including FBI agent Mary O'Toole, who said she believed Ray was a criminal sexual sadist who might be untreatable.

Ray, who had worked at Elephant Butte State Park, pleaded guilty in July to kidnapping, rape and conspiracy to kidnap in connection with the 1999 victim. He had been convicted last April of kidnapping and torturing the 1996 victim.

He has said he entered the guilty plea because he wanted to protect his daughter, Glenda "Jesse" Ray, from having to serve additional prison time as his accomplice in the case.

His daughter also entered a plea deal and was sentenced earlier this week to time served — 2 1/2 years — plus five years probation after she was charged as an accomplice in the sex-torture case.

After her father was sentenced Thursday, she said, "Dad," and when he turned around, she blew him a kiss.

Lee McMillian, David Ray's lawyer, alluded afterward to Ray's heart condition, which had troubled the defendant throughout the case.

"Anything over six months is a death sentence in this case," McMillian said.

He has said he entered the guilty plea because he wanted to protect his daughter, Glenda "Jesse" Ray, from having to serve additional prison time as his accomplice in the case.

Thursday included the two victims, one of their grandmothers and the mother of the Angelica Montano.

Prior to sentencing Thursday, the defense attempted to withdraw the July guilty plea, saying Ray had been mentally impeded by medication, but the judge said it was clear that Ray was sufficiently coherent at the time of the plea, and the motion was rejected.

Sweazea said in imposing the sentence that "no others ever need to be subjected to what these victims have been."

Ray was to return to the state prison in Los Lunas.

The first victim, who came forward only after she was contacted in Colorado by investigators, testified last April that her marriage had broken up after she was assaulted in 1996, and she found sex painful.

She said someone held a knife to her throat during the encounter at Ray's place.

"They put a dog collar on my neck," she said. "There's no question we're dealing with a sick man here."

Besides Ray and O'Toole, witnesses said: "I was being pulled by the neck, like they had a leash."

Investigators located her because of her leg and ankle tattoos after viewing a videotape found at Ray's trailer showing her being tortured.

She said she was tied to a table, naked, with her feet in stirrups, while her ankles and thighs were tied with half-inch-wide straps.

"I was scared. I didn't know what they were going to do. I wanted to go home," the woman said, adding she went through "total hell ... because I have to live with this every day."

In June, the victim who fled captivity in March 1999 wearing only a neck collar and chain, testified that Ray had flogged her with leather whips. She broke down on the witness stand, and the judge had to call paramedics for her.

She said she had nearly escaped when initially captured, freeing herself from her handcuffs. But then, she testified, they tied her up and duct-taped her mouth.

At one point during her torture, she said, Ray turned on a machine, "and it sent shocks through my body." Weeping, she said: "I don't want to talk about this."

When she finally escaped, she sought refuge in a neighbor's home, leading to Ray's arrest. Police searched his trailer and found torture devices, including surgical tools and chemicals as well as video cameras.

AP photo

David Parker Ray adresses the court on his own behalf Thursday in Truth or Consequences. Ray, who held women in chains in a backyard sex-torture trailer, was sentenced to 223-plus years in prison.

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Ray pleads guilty to kidnap, rape

Attorney says he wanted to protect his daughter

The Associated Press

ESTANCIA — David Parker Ray pleaded guilty Monday to kidnapping, rape and conspiracy to commit kidnapping because he wanted to protect his daughter, his attorney said.

Ray's plea abruptly ended his weeklong trial on allegations he abducted an Albuquerque prostitute two years ago, took her to his Elephant Butte home and tortured her.

Ray was arrested after the 23-year-old woman escaped in March 1999 and fled, wearing nothing but a collar with a chain.

Ray, 61, had been charged with kidnapping, criminal sexual penetration, criminal sexual contact, assault with intent to commit a violent crime, aggravated battery and related conspiracy charges. He agreed to plea to first-degree kidnapping, second-degree criminal sexual penetration and second-degree conspiracy to commit kidnapping.

Ray's daughter, Glenda "Jesse" Ray, and his girlfriend, Cynthia Lea Hendy, also were arrest-

See Torture, Page A-3

Torture

Continued from Page A-1

ed. Hendy pleaded guilty to two counts of being an accessory to kidnapping, two counts of being an accessory to criminal sexual penetration and one count of conspiracy to kidnap. Glenda Ray faces 12 counts involving the kidnapping and torture of one woman.

Ray's attorney Lee McMillian said Glenda Ray will be offered a plea agreement "that will get her probation if she'll take it."

"Freedom is the ultimate gift that a father can give to his daughter," he said.

Assistant District Attorney James Yontz neither confirmed or denied that such an agreement was made for Glenda Ray, but said he has no deals with her attorney, Billy Blackburn of Albuquerque. Blackburn is out of town for the week and could not be reached, his office said.

State District Judge Kevin Sweazea told the jurors, who were dismissed following announcement of the plea, that Ray waived his right to appeal and in a previous case involving similar accusations by a Colorado woman. He was convicted of 12 counts in April in the second trial of the Colorado woman's case. The first trial had ended last summer with a hung jury.

Yontz said Ray also agreed to plead guilty to federal charges related to the state cases. Ray will appear before a federal judge to plea to two counts of violating the so-called white slavery act, according to the plea agreement.

Ray could face up to 20 years in the federal case in addition to the 238-year maximum sentence he could face in the state cases, Yontz said. Yontz talked to both victims Monday morning before accepting the plea.

"Both of them were in favor of this," he said.

"They are very pleased to have this over with. They will come back for sentencing and get on with their lives," Yontz said.

No exact sentencing date has been set, but Ray will be sentenced in 60 to 75 days.

Ray, in an interview with Albuquerque television station KOAT, said he expects to spend the rest of his life in prison.

"I'll deal with it the best way that I can," he said. "I've already been in almost 2 1/2 years and I'm pretty well used to it. ... I don't like it, but it's something that I had to do."

McMillian said Ray had another reason for accepting the agreement: "Every soul yearns for redemption. The guy has a desire to do something good."

Ray has changed his attitude that he had done nothing wrong, McMillian said.

"This agreement is in the best interests of Mr. Ray and the public at large," he said.

Ray, who once worked as a mechanic at Elephant Butte State Park, originally was charged with 37 counts involving three women — including the Coloradan and the Albuquerque woman.

12/10/01

FD-350 (Rev. 5-8-81)

(Mount Clipping in Space Below)

Ray gets 223-plus years for sex-torture crimes

THE ASSOCIATED PRESS

TRUTH OR CONSEQUENCES — A man who authorities say held three women in chains in a backyard sex-torture trailer was sentenced Thursday to more than 223 years in prison.

Ray

David Parker Ray, 61, was arrested in March 1999 after a naked woman wearing only a dog collar and chain fled his trailer in Elephant Butte.

Ray's sentence stemmed from charges involving two victims, one tortured in 1996 and another in 1999. Both were present at Thursday's hearing. A third victim died of pneumonia last year; that case was dismissed as part of a plea agreement.

Before Ray was sentenced, Attorney General Patricia Madrid, representing the state, said it was necessary to "keep the animal in his cage. The animal can't live among us."

Ray, who had worked at Elephant Butte State Park, was convicted in April of kidnapping and torturing in the 1996 case.

He said he pleaded guilty in July to kidnapping, rape and conspiracy to kidnap in the 1999 case to prevent his daughter, Glenda "Jesse" Ray, from serving additional prison time as his accomplice.

His daughter also entered a plea agreement and was sentenced earlier this week to time served — 2½ years — plus five years probation.

After her father was sentenced Thursday, she said, "Dad," and when he turned, she blew him a kiss.

The first victim, who came forward only after she was contacted in Colorado by investigators, testified last April that a knife was held to her throat during the 1996 encounter at Ray's trailer.

"They put a dog collar on my neck," she said. "I was being pulled by the neck, like they had a leash."

Investigators identified and located her by leg and ankle tattoos seen on a videotape found at Ray's trailer showing her being tortured while tied to a table.

"I was scared. I didn't know what they were going to do. I wanted to go home," the woman said, adding she went through "total hell ... because I have to live with this every day."

(Indicate page, name of newspaper, city and state.)

Date: 9/21/2001
Edition:

Title:

Character: 31B-AQ-52484
or
Classification:
Submitting Office: AQ

Indexing:

31B-AQ-52484-865
12/5/01
89

FD-350 (Rev. 5-8-81)

(Mount Clipping in Space Below)

(Indicate page, name of newspaper, city and state.)

Date: 9/21/2007
Edition: Albuquerque Journal
Title: DAVID PARKER RAY
Character: 31B-AQ-52484
or
Classification:
Submitting Office: AQ.
Indexing:

Sex-Torture Sentence: 223 Years

Ray Pleaded To Protect Daughter

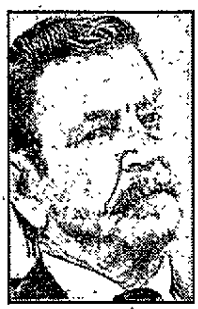
The Associated Press

TRUTH OR CONSEQUENCES — David Parker Ray, who held women in chains in a backyard sex-torture trailer, was sentenced Thursday to 223-plus years in prison.

Ray, 61, was arrested in March 1999 after a naked woman wearing only a dog collar and chain fled Ray's Elephant Butte trailer. On Thursday, he testified that he could not undo the crime or take it back.

"I can only be sorry for what I did," Ray said.

Ray said there were numerous lies and distortions about him during the case, which originally involved three victims. But the sentence handed down Thursday by state District Judge Kevin Sweazea dealt with just two victims, tortured in 1996 and 1999. The third victim, Angelica Montano, died of pneumonia last year, and Ray was never tried for her part of the case. Under his plea agreement, the district attorney's office dismissed that third case.



RAY: "I can only be sorry for what I did"

Attorney General Patricia Madrid, appearing Thursday for the state, said it was necessary to "keep the animal in his cage. The animal can't live among us."

"As a community and state ... we can't risk him being out on the streets," Madrid told the court.

During his testimony, Ray said to Madrid: "I'm sorry that you got all the credit" for the case.

Several witnesses testified, including FBI agent Mary O'Toole, who said she believed that Ray was a criminal sexual sadist who might be untreatable.

Ray, who had worked at Elephant Butte State Park, pleaded guilty in July to kidnapping, rape and conspiracy to kidnap in connection with the 1999 victim. He had been convicted last April of kidnapping and torturing the 1996 victim.

He has said he entered the guilty plea because he wanted to protect his daughter, Glenda "Jesse" Ray, from having to serve additional prison time as his accomplice in the case.

His daughter also entered a plea deal and was sentenced earlier this week to time served — 2½ years — plus five years probation. She was charged as an accomplice in the sex-torture case.

After her father was sentenced Thursday, she said, "Dad," and when he turned around, she blew him a kiss.

Lee McMillian, David Ray's lawyer, alluded afterward to Ray's heart condition, which had troubled the defendant throughout the case.

"Anything over six months is a death sentence in this case," McMillian said. "There's no question we're dealing with a sick man here."

Besides Ray and O'Toole, witnesses Thursday included the two victims, the grandmother of one of them and the mother of Angelica Montano.

Before sentencing Thursday, the defense attempted to withdraw the July guilty plea, saying Ray had been mentally impeded by medication, but the judge said it was clear that Ray was sufficiently coherent at the time of the plea, and the motion was rejected.

31B-AQ-52484-SLA
12/5/04

FD-515 (Rev. 8-1-00)

MKD Squad supervisor approval (please initial)

Accomplishment Report

(Accomplishment must be reported and loaded into ISRAA within 30 days from date of accomplishment)

Date Prepared 10-15-2001
Date Loaded 10-16-2001
Data Loader's Initials 4A

Accomplishment involves: (check all that apply)	
Drugs	☐
A Fugitive	☐
Bankruptcy Fraud	☐
Computer Fraud/Abuse	☐
Corruption of Public Officials	☐
Money Laundering	☐
Sub Invest Asst by FO (s)	☐

Asst. FO(s) __, __, __, __ A, B, C, D

Task Force

Assisting Agencies x•
1. ST
2.

File Number: 318-HQ-52484

Stat Agent Soc. Sec. No.:

Stat Agent Name:

RA	Squad
LRA	9

Assisting Agents Soc. Sec. No. x
1. - -
Name:
2. - -
Name:

b6
b7C

Investigative Assistance or Technique Used

1-Used, but did not help; 2-Helped, minimally; 3 - Helped, substantially; 4 - Absolutely essential

For Sub. Invest. Assist. by other FO (s) Indicate A,B,C,D for corresponding FO

Rate	FO	IAT	Rate	FO	IAT	Rate	FO	IAT	Rate	FO	IAT
		Fin. Analyst			Lab. Div. Exam			UCO - Group I			FL Mon.- ITC
		Aircraft Asst.			Lab. Field Sup			UCO - Group II			For. Lang Asst.
		Computer			Pen Registers			UCO - Nat. Back			Non FBI Lab Ex
		Consen Mon.			Photo Cover.			NCAVC / VI - CA			Vict-Witn Coor
		Elsur / FISC			Polygraph			Crim/NS Intel Ass			IO Wanted Flyer
		Elsur / T. III			Search Warran			Crisis Neg. - Fed.			SARs
		Eng. Field Spt.			Show Money			Crisis Neg. - Loca			CART
		Eng. Tape Ex			SOG Asst.			ERT Asst.			b7E
		Legats Asst.			Swat Team			Butte - ITC			
		Evid Purchase			Tech. Ag/Equip			Sav - ITC			
		Inf/CW Info			Phone Toll Rec			Poc - ITC			

A. Complaint / Information / Indictment
☐ Federal ☐ Local ☐ International
Complaint Date: _____
Check if Civil Rico Complaint ☐
Information Date: _____
Indictment Date: _____

B. Locate/ Arrest
☐ Federal ☐ Local ☐ International
Subject Priority: ☐ A ☐ B ☐ C
Locate Date: _____
Arrest Date: _____
☐ Subject Resisted Arrest
☐ Subject Arrested was Armed

C. Summons Date: _____
☐ Federal ☐ Local

D. Recovery/Restitution/PELP X
☐ Federal ☐ Local ☐ International
Recovery Date: _____
Code •____ ✓ Amount $_____
Code •____ ✓ Amount $_____
Restitution Date: _____
☐ Court Ordered ☐ Pretrial Diversion
Code •____ ✓ Amount $_____
PELP Date: _____
Code •____ ✓ Amount $_____

E. Hostage(s) Released Date: _____
Released by: ☐ Terrorist ☐ Other
Number of Hostages: _____
Child Located Date: _____

F. Conviction
☐ Federal ☐ Local ☐ International
Conviction Date: _____
Subject Description Code: _____•(____)•
For 6F, G, H-Include Agency Code
☐ Felony or ☐ Misdemeanor
☐ Plea or ☐ Trial
State: _____ Judicial District: _____

G. U.S. Code Violation
Required for sections A,B,F,and J (Federal Only)

Title	Section	# Counts

H. Sentence Date: 9/21/01
Sentence Type: 05 •
In Jail: Years 242 Months _____
Suspended: Years _____ Months _____
Probation: Years _____ Months _____
Fines: $_____

I. Disruption/Dismantlement:
Disruption Date: _____
Dismantlement Date: _____
Completion of FD-515a Side 2 Mandatory

J. Civil Rico Matters Date: _____
Also Complete "Section G"
Other Civil Matters Date: _____
Judgment ____ ____ ____ ____•
Judicial Outcome ____ ____ ____ ____•x
Amount $_____
Suspension: Years _____ Months _____

K. Administrative Sanction Date: _____
Subject Description Code _____•
Type: Length:
☐ Suspension ☐ Permanent
☐ Debarment or
☐ Injunction Year_____ Months _____

L. Asset Seizure Date: _____
Asset Forfeiture Date: _____
CATS # Mandatory _____
Check one of the three:
☐ Asset Forfeiture - Administrative
☐ Asset Forfeiture - Civil Judicial
☐ Asset Forfeiture - Criminal
Do not indicate $ value in Section D

M. Acquittal / Dismissal / Pretrial Diversion
Acquittal Date: _____
Dismissal Date: _____
Pretrial Diversion Date: _____

N. Subject Information (Required for all Sections excluding Section D (Recovery/PELP), Section E (Hostage), Section I, and Section L).

Name	Race •	Sex	Date of Birth	Social Security No. (if available)
David Parker Ray	W	M	11-6-39	525-94-0444

SEARCHED
SERIALIZED
INDEXED
FILED

For Indictments/Convictions only:
☐ Subject related to an LCN, Asian Organized Crime (AOC), Italian Organized Crime (IOC), Russian/Eastern European, European, or Nigerian Organized Crime Group - Complete FD-515a, Side 1 Blocks A-E mandatory, F-H as appropriate.
☐ Subject related to an OC/Drug Organization, a VCMO Program National Gang Strategy target group, or a VCMO Program National Priority Initiative target group - Complete FD-515a, Side 1 Blocks A-C only.

x Additional information may be added by attaching another form or a plain sheet of paper for additional entries.
• See codes on reverse side.
✓ Requires that an explanation be attached and loaded into ISRAA for recovery over $1m and PELP over $5m.

Serial No. of FD-515: 861

For Further Instructions See: MAOP, Part II, Sections 3-5 thru 3-5.3.

PROPERTY CODES

01 Cash
02 Stocks, Bonds or Negot. Instruments
03 General Retail Merchandise
04 Vehicles
05 Heavy Machinery & Equipment
06 Aircraft
07 Jewelry
08 Vessels
09 Art, Antiques or Rare Collections
11 Real Property
20 All Other

SENTENCE TYPES

CP Capital Punishment
JS Jail Sentence
LP Life Parole
LS Life Sentence
NS No Sentence (Subject is a Fugitive, Insane, has Died, or is a Corporation)
PB Probation
SJ Suspension of Jail Sentence
YC Youth Correction Act

PELP CODES

22 Counterfeit Stocks/Bonds/Currency/ Negotiable Instruments
23 Counterfeit/Pirated Sound Recordings or Motion Pictures
24 Bank Theft Scheme Aborted
25 Ransom, Extortion or Bribe Demand Aborted
26 Theft From or Fraud Against Government Scheme Aborted
27 Commercial or Industrial Theft Scheme Aborted
30 All Other

RACE CODES

A Asian/Pacific Islander
B Black
I Indian/American
U Unknown
W White
X Nonindividual

AGENCY CODES

AFOIS Air Force Office of Special Investigations
ACIS Army Criminal Investigative Service
BATF Bureau of Alcohol, Tobacco & Firearms
BIA Bureau of Indian Affairs
DCAA Defense Contract Audit Agency
DCIS Defense Criminal Investigative Service
DEA Drug Enforcement Administration
DOC Department of Corrections
DOI Dept. of Interior
EPA Environmental Protection Agency
FAA Federal Aviation Administration
FDA Food and Drug Administration
HHS Dept. of Health & Human Services
HUD Dept. of Housing & Urban Development
INS Immigration and Naturalization Service
IRS Internal Revenue Service
NASA Nat'l Aeronautics & Space Admin
NBIS Nat'l NARC Border Interdiction
NCIS Naval Criminal Investigative Service
RCMP Royal Canadian Mounted Police
SBA Small Business Administration
USBP U.S. Border Patrol
USCG U.S. Coast Guard
USCS U.S. Customs Service
USDS U.S. Department of State
USMS U.S. Marshals Service
USPS U.S. Postal Service
USSS U.S. Secret Service
USTR U.S. Treasury
LOC Local
CITY City
COUN County
ST State
OTHR Other

JUDGMENT CODES

CJ Consent Judgment
CO Court Ordered Settlement
DF Default Judgment
DI Dismissal
JN Judgment Notwithstanding
MV Mixed Verdict
SJ Summary Judgment
VD Verdict for Defendant
VP Verdict for Plaintiff

JUDICIAL OUTCOME

AG Agreement
BR Barred/Removed
CC Civil Contempt
DC Disciplinary Charges
FI Fine
PI Preliminary Injunction
PR Temporary Restraining Order
PS Pre-filing Settlement
RN Restitution
SP Suspension
VR Voluntary Resignation
OT Other

SUBJECT PRIORITY

A Subject wanted for crimes of violence (i.e., murder, manslaughter, forcible rape) against another individual or convicted of such a crime in the past five years

B Subject wanted for crimes involving loss or destruction of property valued in excess of $25,000 or convicted of such a crime in the past five years.

C All other subjects.

SUBJECT DESCRIPTION CODES

ORGANIZED CRIME SUBJECTS

1F Boss
1G Underboss
1H Consigliere
1J Acting Boss
1K Capodecina
1L Soldier

KNOWN CRIMINALS

2A Top Ten or I.O. Fugitive
2B Top Thief
2C Top Con Man

FOREIGN NATIONALS

3A Legal Alien
3B Illegal Alien
3C Foreign Official W/out Diplomatic Immunity
3D U.N. Employee W/out Diplomatic Immunity
3E Foreign Student
3F All Others

OTHERS

8A All Other Subjects
8B Company or Corporation

TERRORISTS

4A Known Member of a Terrorist Organization
4B Possible Terrorist Member or Sympathizer

UNION MEMBERS

5D President
5E Vice-President
5F Treasurer
5G Secretary/Treasurer
5H Executive Board Member
5I Business Agent
5J Representative
5K Organizer
5L Business Manager
5M Financial Secretary
5N Recording Secretary
5P Office Manager
5Q Clerk
5R Shop Steward
5S Member
5T Trustee
5U Other

GOVERNMENT SUBJECTS (6F,6G,6H- Include Agency Code)

6A Presidential Appointee
6B U.S. Senator/Staff
6C U.S. Representative/Staff
6D Federal Judge/Magistrate
6E Federal Prosecutor
6F Federal Law Enforcement Officer
6G Federal Employee - GS 13 & Above
6H Federal Employee - GS 12 & Below
6J Governor
6K Lt. Governor
6L State Legislator
6M State Judge/Magistrate
6N State Prosecutor
6P State Law Enforcement Officer
6Q State - All Others
6R Mayor
6S Local Legislator
6T Local Judge/Magistrate
6U Local Prosecutor
6V Local Law Enforcement Officer
6W Local - All Others
6X County Commissioner
6Y City Councilman

BANK EMPLOYEES

7A Bank Officer
7B Bank Employee

9

U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

FBI Academy/CIRG
Quantico, Virginia 22135
August 30, 2001

Mr. David Parker Ray
Central New Mexico Correctional
Facility
P O Drawer 1328
Los Lunas, New Mexico 87031

Dear David:

It was good to have the chance to talk with you last week. You are a very interesting man. And despite how silly this could sound to someone else, I think we have a great deal in common.

As I am sure you would agree, Sexual Sadism and paraphilias are a very unique topic of discussion, and there are not many people with knowledge about these things. However, you and I do. You have probably taken the last week or so to think about everything - your current situation, and what you need to do for yourself in order to take back some control of your life. As I mentioned last week, you really are the gatekeeper for your future and what happens to you from now on.

There is a possibility I will be back in New Mexico on another matter in the near future and perhaps, if you like, you, [redacted] and I could talk again. I would look forward to it, should you concur. b6 b7C

Take care of yourself,

[redacted]

Supervisory Special Agent

1 - [redacted], Attorney at Law
1 - SA [redacted], Albuquerque Division
1 - [redacted], New Mexico State Police
1 - SA [redacted], Albuquerque Division
1 - SSA [redacted], NCAVC, BAU-West
1 - [redacted], Assistant District Attorney
1 - 252B-IR-A5357
1 - 31B-AQ-52484; 854
pjh (9)

b6
b7C

9
10/22/01

302DAVRY.JWS

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 08/29/2001

DAVID RAY was interviewed in the Sierra County Courthouse in the conference room of the District Attorney on the below dates by Federal Bureau of Investigation (FBI) Special Agents (SAs) [redacted] and [redacted], New Mexico State Police Investigator [redacted], Assistant District Attorney [redacted] (on August 21, 2001 only), and RAY's lawyer, [redacted]. The interviews were halted at the end of August 22, 2001 based upon the unanimous opinion of the interviewers that RAY was not being candid and honest. Audio tapes were made of all of the interview sessions and they will comprise the record of these interviews. The original tapes were placed into evidence at the Albuquerque FBI office. On August 20, 2001, Albuquerque FBI Special Agent in Charge [redacted] had given verbal authority to audio tape the interviews of RAY.

b6
b7C

Investigation on 08/21-22/01 at Truth or Consequences, New Mexico

File # 31B-AQ-52484 - 851 b6 b7C Date dictated 08/28/2001

by SA [redacted] bb

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

9/4/01

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 08/13/2001

The interviewing agent met with DAVID RAY and his attorney, [redacted] at the Sierra County Jail to discuss a potential guilty plea by RAY to federal charges regarding RAY's abductions and rapes of two women for which he has been convicted or pled guilty in New Mexico State Court.

The interviewing agent explained to RAY that before he would be allowed to plead guilty to federal charges and serve a federal sentence before serving a state sentence, he would have to provide information of a significant and tangible nature such as the location of the body of another victim, videotapes or photos of his criminal activities, documentation or logs of his criminal activities or the identity of any other individual whom he believes may be involved in the abductions and rapes of women. RAY immediately became agitated and angry and stated that he does not know the location of any bodies because no deaths resulted from his activities. He stated that if that is what the FBI expects him to produce then we might as well halt any further interviews of him. b6 b7C RAY was then asked whether he would take a polygraph examination regarding this issue and he appeared hesitant and gave two reasons why he did not think a polygraph would work. The first reason is that he takes numerous medications for his health and he believes these medications may alter the polygraph results. Second, he stated that he is no longer able to separate his fantasy life from reality and so it would be difficult for him to accurately answer questions about activities which he has actually engaged in because he may confuse that with activities he merely fantasized about.

RAY was asked about a log listing summaries of abductions and tortures of women which he committed. He stated that that log describes only fantasizes and not actually events. [redacted] [redacted] This fantasy served as a basis for that particular entry in his log.

Investigation on 08/09/2001 at Truth or Consequences, NM

File # 31B-AQ-52484 - 850 b6 b7C Date dictated 08/10/2001

by SA [redacted] /bb

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

RAY stated that there is no stash of materials pertaining to his criminal activities or his interest in sadism. He stated that any such materials he had were seized during the search of his home. He stated that [redacted] threw a large amount of such materials including magazines and videotapes in the dump. RAY stated that he went to the dump and was able to retrieve about one half of these materials. He stated that if any of these materials still existed they were in his house and seized during the search by police in 1999.

The entire meeting lasted approximately one and half hours. After the meeting, the medical officer at the jail advised that records indicate that RAY takes the following medications:

1) Nitroglycerine taken occasionally for heart problems.

2) Slo-Mag, 64mg, taken three times per day for blood pressure.

b6
b7C

3) Hydroxine, 25mg, taken three times per day.

4) Ibuprofin, 600mg, taken twice per day.

5) Enlappril, 5mg, taken once per day.

6) Famotadine, 20mg, taken once per day for heartburn.

7) Isosorbide, two capsules taken at bedtime to assist with sleep.

8) Protonix, 40mg, taken once per day.

All of these drugs are prescribed by Dr. [redacted] of [redacted] who is RAY's cardiovascular doctor.

FD-350 (Rev. 5-8-81)

(Mount Clipping in Space Below)

(Indicate page, name of newspaper, city and state.)

Date: 7/3/2001
Edition: Albuquerque Journal

Title: David Parker Ray

Character: 318-AQ-52484
or
Classification:
Submitting Office: AQ

Indexing:

Ray Pleads Guilty To Protect Daughter in Sex Torture Case

TorC Suspect Admits To 1999 Rape, Kidnapping

BY MARY PEREA
The Associated Press

ESTANCIA — David Parker Ray pleaded guilty Monday to kidnapping, rape and conspiracy to commit kidnapping because he wanted to protect his daughter, his attorney said.

Ray's plea abruptly ended his weeklong trial on allegations he abducted an Albuquerque prostitute two years ago, took her to his Elephant Butte home and tortured her.

D. RAY: Wants daughter to get probation

Ray was arrested after the young woman escaped in March 1999 and fled, wearing nothing but a collar with a chain.

Ray, 61, had been charged with kidnapping, criminal sexual penetration, criminal sexual contact, assault with intent to commit a violent crime, aggravated battery and related conspiracy charges. He agreed to plead to first-degree kidnapping, second-degree criminal sexual penetration and second-degree conspiracy to commit kidnapping.

Ray's daughter, Glenda Ray, and his girlfriend, Cynthia Lea Hendy, also were arrested. Hendy pleaded guilty to two counts of being an accessory to kidnapping, two counts of being an accessory to criminal sexual penetration and one count of conspiracy to kidnap. She was sentenced to 36 years in prison. Glenda Ray faces 12 counts involving the kidnapping and torture of one woman.

Ray's attorney Lee McMillian said Glenda Ray will be offered a plea agreement "that will get her probation if she'll take it."

"Freedom is the ultimate gift that a father can give to his daughter," he said.

Assistant District Attorney James Yontz neither confirmed or denied that such an agreement was made for Glenda Ray, but said he has no deals with her attorney, Billy Blackburn of Albuquerque. Blackburn is out of town for the week and could not be reached, his office said.

State District Judge Kevin Sweazea told the jurors, who were dismissed following announcement of the plea, that David Parker Ray waived his right to appeal in this case and in a previous case involving similar accusations by a Colorado woman. He was convicted of 12 counts in April in the second trial of the

See **SERIAL** *on* **PAGE A4**

318-AQ-52484- 848

FBI

FD-350 (Rev. 5-8-81)

(Mount Clipping in Space Below)

(Indicate page, name of newspaper, city and state.)

Date:
Edition:

Title:

Character:
or
Classification:
Submitting Office:

'Serial Sadist' Pleads Guilty

from **PAGE A1**

Colorado woman's case. The first trial had ended last summer with a hung jury.

Yontz said Ray also agreed to plead guilty to federal charges related to the state cases. Ray will appear before a federal judge to plead to two counts of violating the so-called white slavery act, according to the plea agreement.

Ray could face up to 20 years in the federal case in addition to the 238-year maximum sentence he could face in the state cases, Yontz said.

Yontz talked to both victims Monday morning before accepting the plea.

"Both of them were in favor of this," he said.

"They are very pleased to have this over with. They will come back for sentencing and get on with their lives," Yontz said.

No sentencing date has been set, but Ray will be sentenced in 60 to 75 days.

Ray, in an interview with Albuquerque television station KOAT, said he expects to spend the rest of his life in prison.

"I'll deal with it the best way that I can," he said. "I've already been in almost 2½ years and I'm pretty well used to it. ... I don't like it, but it's something that I had to do."

McMillian said Ray had another reason for accepting the agreement: "Every soul yearns for redemption. The guy has a desire to do something good."

Ray has changed his attitude that he had done nothing wrong, McMillian said.

"This agreement is in the best interests of Mr. Ray and the public at large," he said.

Ray, who once worked as a mechanic at Elephant Butte State Park, originally was charged with 37 counts involving three women — including the Coloradan and the Albuquerque woman. A third case involves a woman who since has died of causes unrelated to the case.

As part of the plea agreement, the District Attorney's Office is dismissing the third case, Yontz said.

The first State Police investigator at Ray's trailer, Sgt. Wesley LaCuesta, said he had expected a more typical crime, "then I realized this was a very large-scale criminal investigation."

LaCuesta, who called Ray "one of the few documented serial sexual sadists," said he was pleased by the outcome.

"It feels good. As far as these victims, it puts the case at full circle," he said.

During the opening day of testimony last week, the Albuquerque woman alleged Ray placed clamps on her body and sent electric shocks through the clamps. She described being hung from the ceiling and her legs spread apart with a bar and being flogged with leather whips.

After the woman's escape, police searched Ray's trailer and found video cameras and torture devices, including surgical tools. The other two women later accused Ray of abducting, chaining and sexually torturing them as well.

Sweazea took over the case after the previous judge, Neil Mertz, died of a heart attack last November.

FD-350 (Rev. 5-8-81)

(Mount Clipping in Space Below)

(Indicate page, name of newspaper, city and state.)

Date: Tuesday June 26, 2001
Edition: Las Cruces Sun-News A1 Las Cruces, NM
Title:

Character:
or
Classification: 31B-AQ-52484
Submitting Office: Las Cruces RA

Indexing:

Woman testifies Ray abducted, tortured her

By Mary Perea
Associated Press Writer

ESTANICA — A woman who alleges David Parker Ray placed clamps on her body and flogged her with leather whips broke down on the witness stand Monday, causing the judge to call paramedics to her aid.

The 23-year-old woman, who fled an Elephant Butte trailer naked except for a collar with a chain in March 1999, said she agreed to perform one sexual act with Ray in exchange for $30, "because I was hooked on drugs." They were in Albuquerque.

At that point, the woman testified, she got into a camper-type vehicle with Ray and another woman appeared from the back. She said Ray showed a police-type badge — a silver star — and handcuffed her.

They started driving, and she freed herself from the handcuffs, struggling with her captors, who then tied her up and duct-taped her mouth.

"She told me all they were going to do is rape me and let me go," the woman testified, sobbing.

See Torture, Page A-3

Continued from Page A-1

During the ride, Ray and the other woman put a black mask over her head with a zipper over the mouth, she testified.

Claire Harwell, state assistant attorney general, showed a mask to the woman, who started crying, saying, "I want to go home."

After a few minutes, she said, "It's the mask they put on my face."

Eventually, the woman said she ended up handcuffed to a wall and a bed inside Ray's home.

"They did a lot of different things, so many things ... I don't know which happened first," she said.

She described how clamps were placed on her breasts and other body parts.

"He turned the machine on and it sent shocks through my body," she said, weeping. "I don't want to talk about this."

[redacted]

b6
b7C

31B-AQ-52484-
MAIN
844

FBI/DOJ

FD-515 (Rev. 8-1-00)

Squad supervisor approval (please initial)

Accomplishment Report

(Accomplishment must be reported and loaded into ISRAA within 30 days from date of accomplishment)

Date Prepared 7-11-2001
Date Loaded 7-12-2001
Data Loader's Initials MP

Accomplishment involves: (check all that apply)	
Drugs	☐
A Fugitive	☐
Bankruptcy Fraud	☐
Computer Fraud/Abuse	☐
Corruption of Public Officials	☐
Money Laundering	☐
Sub Invest Asst by FO (s)	☐

Asst. FO(s) __, __, __, __ A, B, C, D

Task Force

Assisting Agencies ×•
1.
2.

File Number: 315-AD-52484

Stat Agent Soc. Sec. No.:

Stat Agent Name:

RA	Squad
LRA	6

Assisting Agents Soc. Sec. No. ×
1. - -
Name:
2. - -
Name:

b6
b7C

Investigative Assistance or Technique Used

1-Used, but did not help
2-Helped, minimally
3 - Helped, substantially
4 - Absolutely essential
For Sub. Invest. Assist. by other FO (s) indicate A,B,C,D for corresponding FO

Rate	FO	IAT	Rate	FO	IAT	Rate	FO	IAT	Rate	FO	IAT
		Fin. Analyst			Lab. Div. Exam			UCO - Group I			Ft. Mon.- ITC
		Aircraft Asst.			Lab. Field Sup			UCO - Group II			For. Lang Asst.
		Computer			Pen Registers			UCO - Nat. Back			Non FBI Lab Ex
		Consen Mon.			Photo Cover.			NCAVC / VI - CAP			Vict-Witn Coor
		Elsur / FISC			Polygraph			Crim/NS Intel Asst			IO Wanted Flyer
		Elsur / T. III			Search Warrant			Crisis Neg. - Fed.			SARs
		Eng. Field Spt			Show Money			Crisis Neg. - Local			CART
		Eng. Tape Ex			SOG Asst.			ERT Asst.			b7E
		Legats Asst.			Swat Team			Butte - ITC			
		Evid Purchase			Tech. Ag/Equip.			Sav - ITC			
		Inf/CW Info			Phone Toll Rec			Poc - ITC			

A. Complaint / Information / Indictment
☐ Federal ☐ Local ☐ International
Complaint Date: _____
Check if Civil Rico Complaint ☐
Information Date: _____
Indictment Date: _____

B. Locate/ Arrest
☐ Federal ☐ Local ☐ International
Subject Priority: ☐ A ☐ B ☐ C
Locate Date: _____
Arrest Date: _____
☐ Subject Resisted Arrest
☐ Subject Arrested was Armed

C. Summons Date: _____
☐ Federal ☐ Local

D. Recovery/Restitution/PELP X
☐ Federal ☐ Local ☐ International
Recovery Date: _____
Code •____✓ Amount $_____
Code •____✓ Amount $_____
Restitution Date: _____
☐ Court Ordered ☐ Pretrial Diversion
Code •____✓ Amount $_____
PELP Date: _____
Code •____✓ Amount $_____

E. Hostage(s) Released Date: _____
Released by: ☐ Terrorist ☐ Other
Number of Hostages: _____
Child Located Date: _____

F. Conviction
☐ Federal ☑ Local ☐ International
Conviction Date: 7-2-01
Subject Description Code: 8 •(A)•
For 6F, G, H-Include Agency Code
☐ Felony or ☐ Misdemeanor
☐ Plea or ☐ Trial
State: AR Judicial District: 7th

G. U.S. Code Violation
Required for sections A,B,F,and J
(Federal Only)

Title	Section	# Counts

H. Sentence Date: _____
Sentence Type: ____,____,____•
In Jail: Years____ Months____
Suspended: Years____ Months____
Probation: Years____ Months____
Fines: $_____

I. Disruption/Dismantlement:
Disruption Date: _____
Dismantlement Date: _____
Completion of FD-515a Side 2 Mandatory

J. Civil Rico Matters Date: _____
Also Complete "Section G"
Other Civil Matters Date: _____
Judgment ____ ____ ____ ____•
Judicial Outcome ____ ____ ____ ____•x
Amount $_____
Suspension: Years____ Months____

K. Administrative Sanction Date: _____
Subject Description Code ____•
Type: Length:
☐ Suspension ☐ Permanent
☐ Debarment or
☐ Injunction Year____ Months____

L. Asset Seizure Date: _____
Asset Forfeiture Date: _____
CATS # Mandatory _____
Check one of the three:
☐ Asset Forfeiture - Administrative
☐ Asset Forfeiture - Civil Judicial
☐ Asset Forfeiture - Criminal
Do not indicate $ value in Section D

M. Acquittal / Dismissal / Pretrial Diversion
Acquittal Date: _____
Dismissal Date: _____
Pretrial Diversion Date: _____

N. Subject Information (Required for all Sections excluding Section D (Recovery/PELP), Section E (Hostage), Section I, and Section L).

Name	Race •	Sex	Date of Birth	Social Security No. (if available)
David Parker Ray		M	11-6-39	525-94-0444

SEARCHED
SERIALIZED
INDEXED
FILED

For Indictments/Convictions only:
☐ Subject related to an LCN, Asian Organized Crime (AOC), Italian Organized Crime (IOC), Russian/Eastern European, Caribbean, or Nigerian Organized Crime Group - Complete FD-515a, Side 1 Blocks A-E mandatory, F-H as appropriate.
☐ Subject related to an OC/Drug Organization, a VCMO Program National Gang Strategy target group, or a VCMO Program National Priority Initiative target group - Complete FD-515a, Side 1 Blocks A-C only.

X Additional information may be added by attaching another form or a plain sheet of paper for additional entries.
• See codes on reverse side.
✓ Requires that an explanation be attached and loaded into ISRAA for recovery over $1m and PELP over $5m.

Serial No. of FD-515: 836

For Further Instructions See: MAOP, Part II, Sections 3-5 thru 3-5.3.

PROPERTY CODES

01 Cash
02 Stocks, Bonds or Negot. Instruments
03 General Retail Merchandise
04 Vehicles
05 Heavy Machinery & Equipment
06 Aircraft
07 Jewelry
08 Vessels
09 Art, Antiques or Rare Collections
11 Real Property
20 All Other

SENTENCE TYPES

CP Capital Punishment
JS Jail Sentence
LP Life Parole
LS Life Sentence
NS No Sentence (Subject is a Fugitive, Insane, has Died, or is a Corporation)
PB Probation
SJ Suspension of Jail Sentence
YC Youth Correction Act

PELP CODES

22 Counterfeit Stocks/Bonds/Currency/ Negotiable Instruments
23 Counterfeit/Pirated Sound Recordings or Motion Pictures
24 Bank Theft Scheme Aborted
25 Ransom, Extortion or Bribe Demand Aborted
26 Theft From or Fraud Against Government Scheme Aborted
27 Commercial or Industrial Theft Scheme Aborted
30 All Other

RACE CODES

A Asian/Pacific Islander
B Black
I Indian/American
U Unknown
W White
X Nonindividual

AGENCY CODES

AFOIS Air Force Office of Special Investigations
ACIS Army Criminal Investigative Service
BATF Bureau of Alcohol, Tobacco & Firearms
BIA Bureau of Indian Affairs
DCAA Defense Contract Audit Agency
DCIS Defense Criminal Investigative Service
DEA Drug Enforcement Administration
DOC Department of Corrections
DOI Dept. of Interior
EPA Environmental Protection Agency
FAA Federal Aviation Administration
FDA Food and Drug Administration
HHS Dept. of Health & Human Services
HUD Dept. of Housing & Urban Development
INS Immigration and Naturalization Service
IRS Internal Revenue Service
NASA Nat'l Aeronautics & Space Admin
NBIS Nat'l NARC Border Interdiction
NCIS Naval Criminal Investigative Service
RCMP Royal Canadian Mounted Police
SBA Small Business Administration
USBP U.S. Border Patrol
USCG U.S. Coast Guard
USCS U.S. Customs Service
USDS U.S. Department of State
USMS U.S. Marshals Service
USPS U.S. Postal Service
USSS U.S. Secret Service
USTR U.S. Treasury
LOC Local
CITY City
COUN County
ST State
OTHR Other

JUDGMENT CODES

CJ Consent Judgment
CO Court Ordered Settlement
DF Default Judgment
DI Dismissal
JN Judgment Notwithstanding
MV Mixed Verdict
SJ Summary Judgment
VD Verdict for Defendant
VP Verdict for Plaintiff

JUDICIAL OUTCOME

AG Agreement
BR Barred/Removed
CC Civil Contempt
DC Disciplinary Charges
FI Fine
PI Preliminary Injunction
PR Temporary Restraining Order
PS Pre-filing Settlement
RN Restitution
SP Suspension
VR Voluntary Resignation
OT Other

SUBJECT PRIORITY

A Subject wanted for crimes of violence (i.e., murder, manslaughter, forcible rape) against another individual or convicted of such a crime in the past five years

B Subject wanted for crimes involving loss or destruction of property valued in excess of $25,000 or convicted of such a crime in the past five years.

C All other subjects.

SUBJECT DESCRIPTION CODES

ORGANIZED CRIME SUBJECTS

1F Boss
1G Underboss
1H Consigliere
1J Acting Boss
1K Capodecina
1L Soldier

KNOWN CRIMINALS

2A Top Ten or I.O. Fugitive
2B Top Thief
2C Top Con Man

FOREIGN NATIONALS

3A Legal Alien
3B Illegal Alien
3C Foreign Official W/out Diplomatic Immunity
3D U.N. Employee W/out Diplomatic Immunity
3E Foreign Student
3F All Others

OTHERS

8A All Other Subjects
8B Company or Corporation

TERRORISTS

4A Known Member of a Terrorist Organization
4B Possible Terrorist Member or Sympathizer

UNION MEMBERS

5D President
5E Vice-President
5F Treasurer
5G Secretary/Treasurer
5H Executive Board Member
5I Business Agent
5J Representative
5K Organizer
5L Business Manager
5M Financial Secretary
5N Recording Secretary
5P Office Manager
5Q Clerk
5R Shop Steward
5S Member
5T Trustee
5U Other

GOVERNMENT SUBJECTS (6F,6G,6H- Include Agency Code)

6A Presidential Appointee
6B U.S. Senator/Staff
6C U.S. Representative/Staff
6D Federal Judge/Magistrate
6E Federal Prosecutor
6F Federal Law Enforcement Officer
6G Federal Employee - GS 13 & Above
6H Federal Employee - GS 12 & Below
6J Governor
6K Lt. Governor
6L State Legislator
6M State Judge/Magistrate
6N State Prosecutor
6P State Law Enforcement Officer
6Q State - All Others
6R Mayor
6S Local Legislator
6T Local Judge/Magistrate
6U Local Prosecutor
6V Local Law Enforcement Officer
6W Local - All Others
6X County Commissioner
6Y City Councilman

BANK EMPLOYEES

7A Bank Officer
7B Bank Employee

Felony Kidnaping 1 ct
" Criminal Sexual Penetration 1 ct
Conspiracy to Commit Kidnaping

This conviction resulted from a joint FBI - New Mexico State Police investigation

07/12/2001 ********** CONVICTION **********

SENSITIVE / UNCLASSIFIED

Case Number: 31B-AQ-52484 Stat Agent Name: [redacted] Report Date: 07/12/2001 b6 b7C
Serial No.: 836 Stat Agent SOC.: [redacted] Accom Date.: 07/02/2001

Does Accomplishment Involve		Assisting Joint Agencies	Assisting Agents SOC	Subject Name
Drugs	N			RAY, DAVID, PARKER
A Fugitive	N			
Bankruptcy Fraud	N			
Computer Fraud/Abuse	N			RA Squad Task Force
Corruption of Public Officials	N			---- ----- ----------
Money Laundering	N			LCRA 6

Sub. Invest. Asst by Other FOs:

1 = Used, but did not help
2 = Helped, Minimally
3 = Helped, Substantially
4 = Absolutely Essential

Investigative Assistance or Technique Used

FINAN ANALYST		LAB DIV EXAMS		UCO-GROUP I		FT. MON-NRCSC	
AIRCRAFT ASST		LAB FIELD SUP		UCO-GROUP II		FOR LANG ASST	
COMPUTER ASST		PEN REGISTERS		UCO-OTHER		NON FBI LAB EX	
CONSEN MONITR		PHOTO COVERGE		NCAVC/VI-CAP		VICT-WITN COOR	
ELSUR/FISC		POLYGRAPH		CRIM/NS INTE		IO WANTED FLYE	
ELSUR/III		SRCH WAR EXEC		CRIS NEG-FED		SARS	
ENG FIELD SUP		SHOW MONEY		CRIS NEG-LOC		CART	
ENG TAPE EXAM		SOG ASST		ERT ASST			
LEGATS ASST.		SWAT TEAM		BUTTE-ITC			
EVIDNCE PURCH		TECH AG/EQUIP		SAVANNAH-ITC			
INFORMANT/CW		TEL TOLL RECS		POC-WRCSC			

b7E

Date of Conviction (MM/DD/YYYY) . . . . . .: 07/02/2001
Subject Description Code. . . . . .: 8A

Federal, Local, or International (F/L/I) . . . . . .: L
Felony or Misdemeanor (F/M) . . . . . .: F

Plea or Trial (P/T) . . . . . .: P
Judicial State. . . . . .: NM
Judicial District . . . . . .: NM

U. S. Code Violation(s)

Title	Section	Counts

Form FD-515a: Subject's Role =

Accomplishment Narrative

FELONY KIDNAPING: 1 COUNT
FELONY CRIMINAL SEXUAL PENETRATION: 1 COUNT
CONSPIRACY TO COMMIT KIDNAPING
THIS CONVICTION RESULTED FROM A JOINT FBI-NEW MEXICO STATE POLICE
INVESTIGATION

FD-350 (Rev. 5-8-81)

(Mount Clipping in Space Below)

Ray speaks out on his sex-torture conviction

The Associated Press

ALBUQUERQUE — David Parker Ray, the man convicted of kidnapping and sexually torturing a Colorado woman in 1996, denies ever torturing or doing anything against the wishes of his sex partners.

"I got pleasure out of a woman getting pleasure. I did what they wanted me to do," he said in an interview with Albuquerque television station KOB-TV following his conviction.

Last week, jurors in Estancia found the 61-year-old Ray guilty of 12 charges — ranging from kidnapping to criminal sexual penetration and assault with intent to commit a violent felony. A prior trial ended in a hung jury.

Speaking out about the case for the first time, Ray said he feels he has been "maliciously prosecuted" because he was not able to tell his side of the story, among other reasons.

"I feel raped," he said.

Ray, a former mechanic at Elephant Butte State Park, was arrested in 1999 after a woman wearing only a padlocked dog collar ran to the home of one of his neighbors, saying she had escaped from his mobile home.

Two other women also accused Ray of sexually torturing them. Prosecutors say there are plans to try Ray in those two cases.

Ray admitted during the interview aired Thursday that the sex happened, but said it was not a crime.

"It was consensual," he said.

During Ray's retrial in Estancia, prosecutors played a sexually explicit audiotape recorded by Ray. The tape detailed specific acts of sexual penetration and forms of punishment and mutilation.

"It was a source of entertainment for me to create these tapes," Ray said. "That's why there was a disclaimer at the beginning of the tape stating that it was for adult entertainment only."

Ray's attorney, Lee McMillian, said he was not permitted to bring in an expert witness to explain that the tape could have been intended for use in a consensual ritual involving sexual fantasy.

(Indicate page, name of newspaper, city and state.)

Saturday
Date: April 28, 2001
Edition: Las Cruces Sun-News
A4
Las Cruces, NM
Title:

Character:
or
Classification: 31B-AQ-52484 -833
Submitting Office: Las Cruces RA

Indexing:

X

#6 cmrb 5/10/01

FBI/DOJ

596 KK
05/01/01

FD-515 (Rev. 8-1-00)

Squad supervisor approval (please initial) ____

Accomplishment Report

(Accomplishment must be reported and loaded into ISRAA within 30 days from date of accomplishment)

Date Prepared 4-17-01
Date Loaded 05-01-2001
Data Loader's Initials LA

Accomplishment involves: (check all that apply)	
Drugs	☐
A Fugitive	☐
Bankruptcy Fraud	☐
Computer Fraud/Abuse	☐
Corruption of Public Officials	☐
Money Laundering	☐
Sub Invest Asst by FO (s)	☐

Asst. FO(s) __, __, __, __ (A, B, C, D)

Task Force

Assisting Agencies ×•
1.
2.

File Number: 31B-AQ-52484

Stat Agent Soc. Sec. No.:

Stat Agent Name:

RA	Squad
LRA	6

Assisting Agents Soc. Sec. No. ×
1. - -
Name:
2. - -
Name:

b6
b7C

Investigative Assistance or Technique Used

1-Used, but did not help
2-Helped, minimally
3 - Helped, substantially
4 - Absolutely essential
For Sub. Invest. Assist. by other FO (s) indicate A,B,C,D for corresponding FO

Rate FO	IAT	Rate FO	IAT	Rate FO	IAT	Rate FO	IAT
	Fin. Analyst		Lab. Div. Exam		UCO - Group I		Ft. Mon.- ITC
	Aircraft Asst.		Lab. Field Sup		UCO - Group II		For. Lang Asst.
	Computer		Pen Registers		UCO - Nat. Back		Non FBI Lab Ex
	Consen Mon.		Photo Cover.		NCAVC / VI - CA		Vict-Witn Coor
	Elsur / FISC		Polygraph		Crim/NS Intel Ass		IO Wanted Flyer
	Elsur / T. III		Search Warran		Crisis Neg. - Fed.		SARs
	Eng. Field Spt		Show Money		Crisis Neg. - Loca		CART
	Eng. Tape Ex		SOG Asst.		ERT Asst.		b7E
	Legats Asst.		Swat Team		Butte - ITC		
	Evid Purchase		Tech. Ag/Equip		Sav - ITC		
	Inf/CW Info		Phone Toll Rec		Poc - ITC		

A. Complaint / Information / Indictment
☐ Federal ☐ Local ☐ International
Complaint Date: ____
Check if Civil Rico Complaint ☐
Information Date: ____
Indictment Date: ____

B. Locate/ Arrest
☐ Federal ☐ Local ☐ International
Subject Priority: ☐ A ☐ B ☐ C
Locate Date: ____
Arrest Date: ____
☐ Subject Resisted Arrest
☐ Subject Arrested was Armed

C. Summons Date: ____
☐ Federal ☐ Local

D. Recovery/Restitution/PELP X
☐ Federal ☐ Local ☐ International
Recovery Date: ____
Code •____✓ Amount $____
Code •____✓ Amount $____
Restitution Date: ____
☐ Court Ordered ☐ Pretrial Diversion
Code •____✓ Amount $____
PELP Date: ____
Code •____✓ Amount $____

E. Hostage(s) Released Date: ____
Released by: ☐ Terrorist ☐ Other
Number of Hostages: ____
Child Located Date: ____

F. Conviction
☐ Federal ☑ Local ☐ International
Conviction Date: 4-16-01
Subject Description Code: B •(A)•
For 6F, G, H-Include Agency Code
☑ Felony or ☐ Misdemeanor
☐ Plea or ☑ Trial
State: NM Judicial District: 7th

G. U.S. Code Violation
Required for sections A,B,F,and J (Federal Only)

Title	Section	# Counts

H. Sentence Date: ____
Sentence Type: ____, ____, ____•
In Jail: Years____ Months____
Suspended: Years____ Months____
Probation: Years____ Months____
Fines: $____

I. Disruption/Dismantlement:
Disruption Date: ____
Dismantlement Date: ____
Completion of FD-515a Side 2 Mandatory

J. Civil Rico Matters Date: ____
Also Complete "Section G"
Other Civil Matters Date: ____
Judgment ____ ____ ____ ____•
Judicial Outcome ____ ____ ____ ____•x
Amount $____
Suspension: Years____ Months____

K. Administrative Sanction Date: ____
Subject Description Code ____•
Type: Length:
☐ Suspension ☐ Permanent
☐ Debarment or
☐ Injunction Year____ Months____

L. Asset Seizure Date: ____
Asset Forfeiture Date: ____
CATS # Mandatory ____
Check one of the three:
☐ Asset Forfeiture - Administrative
☐ Asset Forfeiture - Civil Judicial
☐ Asset Forfeiture - Criminal
Do not indicate $ value in Section D

M. Acquittal / Dismissal / Pretrial Diversion
Acquittal Date: ____
Dismissal Date: ____
Pretrial Diversion Date: ____

N. Subject Information (Required for all Sections excluding Section D (Recovery/PELP), Section E (Hostage), Section I, and Section L).

Name	Race •	Sex	Date of Birth	Social Security No. (if available)
David Parker Ray	W	M	11-06-39	525-94-0444

SEARCHED
SERIALIZED
INDEXED
FILED

For Indictments/Convictions only:
☐ Subject related to an LCN, Asian Organized Crime (AOC), Italian Organized Crime (IOC), Russian/Eastern European, Caribbean, or Nigerian Organized Crime Group - Complete FD-515a, Side 1 Blocks A-E mandatory, F-H as appropriate.
☐ Subject related to an OC/Drug Organization, a VCMO Program National Gang Strategy target group, or a VCMO Program National Priority Initiative target group - Complete FD-515a, Side 1 Blocks A-C only.

X Additional information may be added by attaching another form or a plain sheet of paper for additional entries.
• See codes on reverse side.
✓ Requires that an explanation be attached and loaded into ISRAA for recovery over $1m and PELP over $5m.

Serial No. of FD-515: 831

For Further Instructions See: MAOP, Part II, Sections 3-5 thru 3-5.3.

PROPERTY CODES

01 Cash
02 Stocks, Bonds or Negot. Instruments
03 General Retail Merchandise
04 Vehicles
05 Heavy Machinery & Equipment
06 Aircraft
07 Jewelry
08 Vessels
09 Art, Antiques or Rare Collections
11 Real Property
20 All Other

SENTENCE TYPES

CP Capital Punishment
JS Jail Sentence
LP Life Parole
LS Life Sentence
NS No Sentence (Subject is a Fugitive, Insane, has Died, or is a Corporation)
PB Probation
SJ Suspension of Jail Sentence
YC Youth Correction Act

PELP CODES

22 Counterfeit Stocks/Bonds/Currency/ Negotiable Instruments
23 Counterfeit/Pirated Sound Recordings or Motion Pictures
24 Bank Theft Scheme Aborted
25 Ransom, Extortion or Bribe Demand Aborted
26 Theft From or Fraud Against Government Scheme Aborted
27 Commercial or Industrial Theft Scheme Aborted
30 All Other

RACE CODES

A Asian/Pacific Islander
B Black
I Indian/American
U Unknown
W White
X Nonindividual

AGENCY CODES

AFOIS Air Force Office of Special Investigations
ACIS Army Criminal Investigative Service
BATF Bureau of Alcohol, Tobacco & Firearms
BIA Bureau of Indian Affairs
DCAA Defense Contract Audit Agency
DCIS Defense Criminal Investigative Service
DEA Drug Enforcement Administration
DOC Department of Corrections
DOI Dept. of Interior
EPA Environmental Protection Agency
FAA Federal Aviation Administration
FDA Food and Drug Administration
HHS Dept. of Health & Human Services
HUD Dept. of Housing & Urban Development
INS Immigration and Naturalization Service
IRS Internal Revenue Service
NASA Nat'l Aeronautics & Space Admin
NBIS Nat'l NARC Border Interdiction
NCIS Naval Criminal Investigative Service
RCMP Royal Canadian Mounted Police
SBA Small Business Administration
USBP U.S. Border Patrol
USCG U.S. Coast Guard
USCS U.S. Customs Service
USDS U.S. Department of State
USMS U.S. Marshals Service
USPS U.S. Postal Service
USSS U.S. Secret Service
USTR U.S. Treasury
LOC Local
CITY City
COUN County
ST State
OTHR Other

JUDGMENT CODES

CJ Consent Judgment
CO Court Ordered Settlement
DF Default Judgment
DI Dismissal
JN Judgment Notwithstanding
MV Mixed Verdict
SJ Summary Judgment
VD Verdict for Defendant
VP Verdict for Plaintiff

JUDICIAL OUTCOME

AG Agreement
BR Barred/Removed
CC Civil Contempt
DC Disciplinary Charges
FI Fine
PI Preliminary Injunction
PR Temporary Restraining Order
PS Pre-filing Settlement
RN Restitution
SP Suspension
VR Voluntary Resignation
OT Other

SUBJECT PRIORITY

A Subject wanted for crimes of violence (i.e., murder, manslaughter, forcible rape) against another individual or convicted of such a crime in the past five years

B Subject wanted for crimes involving loss or destruction of property valued in excess of $25,000 or convicted of such a crime in the past five years.

C All other subjects.

SUBJECT DESCRIPTION CODES

ORGANIZED CRIME SUBJECTS

1F Boss
1G Underboss
1H Consigliere
1J Acting Boss
1K Capodecina
1L Soldier

KNOWN CRIMINALS

2A Top Ten or I.O. Fugitive
2B Top Thief
2C Top Con Man

FOREIGN NATIONALS

3A Legal Alien
3B Illegal Alien
3C Foreign Official W/out Diplomatic Immunity
3D U.N. Employee W/out Diplomatic Immunity
3E Foreign Student
3F All Others

OTHERS

8A All Other Subjects
8B Company or Corporation

TERRORISTS

4A Known Member of a Terrorist Organization
4B Possible Terrorist Member or Sympathizer

UNION MEMBERS

5D President
5E Vice-President
5F Treasurer
5G Secretary/Treasurer
5H Executive Board Member
5I Business Agent
5J Representative
5K Organizer
5L Business-Manager
5M Financial Secretary
5N Recording Secretary
5P Office Manager
5Q Clerk
5R Shop Steward
5S Member
5T Trustee
5U Other

[redacted]

GOVERNMENT SUBJECTS (6F,6G,6H- Include Agency Code)

6A Presidential Appointee
6B U.S. Senator/Staff
6C U.S. Representative/Staff
6D Federal Judge/Magistrate
6E Federal Prosecutor
6F Federal Law Enforcement Officer
6G Federal Employee - GS 13 & Above
6H Federal Employee - GS 12 & Below
6J Governor
6K Lt. Governor
6L State Legislator
6M State Judge/Magistrate
6N State Prosecutor
6P State Law Enforcement Officer
6Q State - All Others
6R Mayor
6S Local Legislator
6T Local Judge/Magistrate
6U Local Prosecutor
6V Local Law Enforcement Officer
6W Local - All Others
6X County Commissioner
6Y City Councilman

BANK EMPLOYEES

7A Bank Officer
7B Bank Employee

05/01/2001 ********** CONVICTION **********

SENSITIVE / UNCLASSIFIED

Case Number: 31B-AQ-52484 Stat Agent Name: Report Date: 05/01/2001
Serial No.: 831 Stat Agent SOC.: Accom Date.: 04/16/2001

Does Accomplishment Involve		Assisting Joint Agencies	Assisting Agents SOC	Subject Name
Drugs	N			RAY, DAVID, PARKER
A Fugitive	N			
Bankruptcy Fraud	N			
Computer Fraud/Abuse	N			RA Squad Task Force
Corruption of Public Officials	N			
Money Laundering	N			LCRA 6

Sub. Invest. Asst by Other FOs:

1 = Used, but did not help
2 = Helped, Minimally
3 = Helped, Substantially
4 = Absolutely Essential

b6
b7C
b7E

Investigative Assistance or Technique Used

FINAN ANALYST		LAB DIV EXAMS		UCO-GROUP I		FT. MON-NRCSC	
AIRCRAFT ASST		LAB FIELD SUP		UCO-GROUP II		FOR LANG ASST	
COMPUTER ASST		PEN REGISTERS		UCO-OTHER		NON FBI LAB EX	
CONSEN MONITR		PHOTO COVERGE		NCAVC/VI-CAP		VICT-WITN COOP	
ELSUR/FISC		POLYGRAPH		CRIM/NS INTE		IO WANTED FLYE	
ELSUR/III		SRCH WAR EXEC		CRIS NEG-FED		SARS	
ENG FIELD SUP		SHOW MONEY		CRIS NEG-LOC		CART	
ENG TAPE EXAM		SOG ASST		ERT ASST			
LEGATS ASST.		SWAT TEAM		BUTTE-ITC			
EVIDNCE PURCH		TECH AG/EQUIP		SAVANNAH-ITC			
INFORMANT/CW		TEL TOLL RECS		POC-WRCSC			

Date of Conviction (MM/DD/YYYY) . . . . . .: 04/16/2001
Subject Description Code. . . . . .: 8A

Federal, Local, or International (F/L/I) . . . . . .: L
Felony or Misdemeanor (F/M) . . . . . .: F

Plea or Trial (P/T) . . . . . .: T
Judicial State. . . . . .: NM
Judicial District . . . . . .: NM

U. S. Code Violation(s)

Title	Section	Counts	Form FD-515a:
			Subject's Role =

Accomplishment Narrative

FD-350 (Rev. 5-8-81)

(Mount Clipping in Space Below)

(Indicate page, name of newspaper, city and state.)

Date: April 3, 2001
Edition: Albuquerque Journal

Title: David Parker Ray

Character: 31B-AQ-52484
or
Classification:
Submitting Office: Albuquerque, NM

Indexing:

TorC Sex-Torture Trial Resumes

Lawyers Grill Potential Jurors

BY MARY PEREA
The Associated Press

ESTANCIA — The much-delayed retrial of an Elephant Butte man on sex-torture charges got under way Monday when jury selection resumed after a four-month hiatus.

David Parker Ray is accused of kidnapping, raping and sexually torturing a 26-year-old Colorado woman near Truth or Consequences in 1996. He is being tried on 12 charges, including six counts of criminal sexual penetration.

His first trial in Tierra Amarilla last summer ended in a hung jury.

Jury selection for his retrial began in November but was delayed when the presiding judge, state District Judge Neil Mertz, died of a heart attack. The case was rescheduled for January but was delayed again when two separate presiding judges were rejected — one by the defense and the other by the prosecutor.

RAY: Charges include rape, kidnapping

District Judge Kevin Sweazea, named to replace Mertz, is hearing the retrial.

Six of the 13 potential jurors interviewed Monday had been questioned in the November jury selection and were asked if their opinions had changed since then. All six said no.

The jury pool was warned about the sexual nature of the case.

"There will be some graphic portrayals, nudity or the like," Assistant District Attorney Jim Yontz said. He asked one woman, "Will there be any problems looking at graphic photos?"

Yontz also questioned potential jurors about their familiarity with such terms as sadomasochism and bondage.

Defense attorney Lee McMillian told one prospective juror that the panel would see "photos of things that most of us have never done" and later said the case would deal with sexual practices "that none of us ever thought of before."

One man questioned by attorneys said he met Ray while making a delivery to Elephant Butte State Park, where Ray once worked, and that Ray helped him unload his truck. He said he did not believe meeting Ray would affect his judgment, but added, "He seemed quite friendly to me out there."

Another potential juror, asked what he thought of the allegations after hearing about the case in the media, said, "It's bad what happened, if it happened."

Eleven potential jurors had been questioned by late Monday afternoon. Both prosecutors and defense attorneys asked the judge to increase the jury pool so the process could proceed more quickly.

Sweazea said jury selection could last from two to five days and that the trial is expected to take about a week.

Ray faces three trials involving similar charges with three separate victims.

The charges stem from an investigation that began in March 1999 when an Albuquerque woman wearing nothing but a dog collar ran to the home of one of Ray's neighbors and said she had escaped from his trailer.

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31B-AQ-52484-830

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FD-350 (Rev. 5-8-81)

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(Indicate page, name of newspaper, city and state.)

Date: April 10, 2001
Edition: Albuquerque Journal

Title: David Parker Ray

Character: 31B-AQ-52484
or
Classification:
Submitting Office: Albuquerque, NM

Indexing:

Sex-Torture Witness 'Wanted To Go Home'

Woman, Jury See Tape From Trailer

BY RICHARD BENKE
The Associated Press

ESTANCIA — A woman alleged Monday she was strapped to a weight-lifter's bench and tortured with sexual devices in Elephant Butte, but she couldn't scream for help because her mouth was taped shut.

"I was scared. I didn't know what they were going to do. I wanted to go home," the woman testified in the retrial of David Parker Ray, accused of holding her captive and sexually torturing her for days.

Ray, 61, is being retried on 12 charges of abducting and sexually torturing the Colorado woman near Elephant Butte Lake in 1996. His first trial in Tierra Amarilla last summer ended in a hung jury.

Lee McMillian, Ray's attorney, said in opening statements Monday that the circumstances under which the woman alleges she was held without her consent could have been a "harmless fantasy."

RAY: Being retried on 12 charges

But prosecutors said she was sexually assaulted and confronted with weapons, handcuffs and a neck chain secured to the floor.

"She's being kidnapped. She does as she's told if she has weapons held on her," said Deputy District Attorney Jim Yontz, who told the state District Court jury the woman was held captive for three days.

Among evidence seized in Ray's backyard travel trailer was a videotape that showed the woman and Ray, FBI agent Tony Maxwell testified.

The woman and jury viewed the tape Monday, and the woman wiped away tears. She said it was the first time she had seen the tape, although she had seen a still photo from it. Spectators could not see it.

Ray came under scrutiny in March 1999 when an Albuquerque woman wearing nothing but a dog collar ran to the home of one of Ray's neighbors and said she had escaped from a trailer full of sexual torture devices.

The current alleged victim came forward in 1999 after hearing that Ray was under investigation for sexually torturing the Albuquerque woman and another female.

31B-AQ-52484-329

FB

FD-350 (Rev. 5-8-81)

(Indicate page, name of newspaper, city and state.)

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Date:
Edition:

Title:

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ing Office:

y:

Lee McMillian, Ray's attorney, said in opening statements Monday that the circumstances under which the woman alleges she was held without her consent could have been a "harmless fantasy."

McMillian questioned why it took the woman nearly three years to accuse Ray.

She "never made any allegations that David Parker Ray ever did anything wrong," he said. Only later did she "decide she was a victim," he said.

After court, McMillian listed some differences in her testimony Monday compared with what she said during the first trial last year. Some "firsts" Monday, he said, included telling jurors:

- She couldn't walk and needed help when Ray dropped her off at her in-laws' house following her three-day disappearance.
- She left an open beer on a table and drove an intoxicated friend home the night she disappeared, then drank more of the beer after returning to the bar. McMillian said the implication was that the drink was spiked.
- That she remembered hearing the keys when Ray locked her in.

Yontz acknowledged her memory was "hazy" about some details, but said she is clear about others.

FB

Jury finds Ray guilty on all 12 counts

The Associated Press

ESTANCIA — After more than five hours of deliberation, jurors late Monday found David Parker Ray guilty of kidnapping and sexually torturing a Colorado woman in 1996.

Ray, 61, was being retried on 12 charges — ranging from kidnapping to criminal sexual penetration and assault with intent to commit a violent felony.

The slender man stood stoically as the jury read its verdict on each count. His first trial, held last year in Tierra Amarilla, ended in a hung jury.

The victim, along with family members and supporters, sobbed quietly as the verdict was read.

"I'm glad he has been found guilty of the crimes against me. ... I am a survivor, not a victim and finding him guilty is the first step to my closure," the woman said in a statement given to reporters after Ray was led away in handcuffs.

Last week, the woman testified her friends left her alone in an Elephant Butte bar with Ray's daughter, Jessie Ray, who initially promised to take her home or to a friend's house.

Instead, she said she was taken to Ray's house and was threatened with a knife in his living room. She said her eyes and mouth were taped, and that she was handcuffed with a dog collar around her neck. Then she ended up on the bench and was tortured with sexual devices, she testified.

Defense attorney Lee McMillian said her alleged captivity could have been "harmless fantasy." But prosecutors said she was sexually assaulted.

"For three days in July 1996, she lived in abject terror of this man," Assistant Attorney General Claire Harwell said Monday during closing arguments.

Ray vowed during a recess earlier Monday to fight all the way to the U.S. Supreme Court if convicted.

"If you're innocent, you're innocent," he said. "I am innocent."

McMillian followed Ray out of the courtroom Monday night and did not take questions from reporters. Jurors also left the courtroom quickly.

Ray, a former mechanic at Elephant Butte State Park, was arrested in 1999 after a woman wearing only a padlocked dog collar ran to the home of one of his neighbors, saying she had escaped from his mobile home.

Police searched Ray's trailer and found torture devices and video cameras.

"Without the help of the FBI cataloging over 1,500 pieces of evidence, we would not have been as successful in closing this case," said deputy district attorney Jim Yontz.

Ray faces up to 130 years in prison. Yontz said Ray will be taken to the state prison in Los Lunas for a 60-day evaluation before being sentenced.

The prison has a new geriatric unit, which offers care to older inmates with health problems. Ray's attorney said his client has suffered heart irregularities for some time.

Last July, after more than eight hours of deliberating over two days, a Rio Arriba County jury was unable to reach agreement on any of the 12 charges.

Then-District Attorney Ron Lopez said the case against Ray was damaged when the judge ruled separate trials would be held for each of three women, including the Colorado woman, who accused Ray of sexual torture.

The Tierra Amarilla jury was divided by two women in their 20s who said the alleged victim's testimony was not believable.

Prosecutors rested their case Thursday after hearing from witnesses that included the victim, her ex-husband and her psychotherapist. When the trial resumed Monday, the defense decided not to call any witnesses and rested its case.

Ray himself said he wanted to testify.

"I wanted to testify, but my attorney didn't want me to," Ray told The Associated Press during a recess in the trial. "We had witnesses, but the judge wouldn't allow them."

In closing arguments, the defense questioned everything from the evidence gathered by the FBI to the credibility of key prosecution witnesses.

McMillian cast doubt on the expertise of David Spencer, a psychotherapist who is treating the woman.

"Mr. Spencer is not an investigator," McMillian said. "His function is to listen uncritically and to make assumptions. If his assumptions are wrong, they will affect the course of treatment."

The woman exhibits symptoms, such as nightmares and sleep disorders, of post-traumatic stress disorder, Spencer testified last week. The symptoms are often linked to a traumatic experience such as the alleged 1996 abduction, he said.

Under cross-examination from McMillian, Spencer conceded the post-traumatic stress disorder could be the result of other traumatic experiences.

WORLD

Jesse Helms leads a historic delegation into M

The Associated Press

MEXICO CITY — Sen. Jesse Helms has complained about Mexico for years, calling its drug-fighting efforts inadequate and its government corrupt. Mexican officials — including the current foreign secretary — have responded with their own barrage of criticism.

The two sides are putting aside their differences — or at least discussing them — with the start of a three-day visit to Mexico City by Helms and four other U.S. senators, all of whom arrived Monday.

Helms is leading a delegation from the Senate Foreign Relations Committee in a historic joint meeting with its Mexican counterpart. The delegation also met with President Vicente Fox.

The senators waved and smiled at reporters as they left their encounter with Fox on Monday evening. They made no public comment.

The visit, Helms said, is a way to "help solidify the emerging friendship between our two governments," and it is part of a decidedly different tone from years past.

Helms, a North Carolina Republican who is one of Cuba's most vocal opponents; has denounced Mexico's ties to the communist island. He also voted against the North American Free Trade Agreement and opposed a U.S. rescue of Mexico's economy during the 1995 peso crisis.

For his part, Mexican Foreign Secretary Jorge Castaneda once called the Helms-Burton law — designed to punish foreign companies investing in Cuba — an "absurd tragicomedy."

But things have changed in Mexico, and both sides appear to be responding.

When Fox took office Dec. 1, he ended 71 years of rule by the Institutional Revolutionary Party.

Although the new president has appealed to the left by sending an Indian rights bill to Congress and promising to restart stalled peace talks with the Zapatista rebels, the former Coca-Cola executive is also a devout Roman Catholic and a member of the conservative National Action Party.

His administration has been received favorably by many Republicans in the United States.

Mexico was President Bush's first foreign trip after taking office. He and Fox spent a day at the Mexican president's ranch

Rank

Continued from Page A-1

ers in New Mexico.

The council said its report card shows no evident correlation between conventional measures such as per-pupil spending and teacher salaries and results such as average scores on standardized tests.

"It takes more than money to educate. Now more than ever our leaders must be open to new and innovative ways to improve the quality of education for all our children," said Duane Parde, the

Our exclusive
Westbound® Tees $
Double collar crewneck & squareneck styles

It's th
short

FD-350 (Rev. 5-8-81)

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(Indicate page, name of newspaper, city and state.)

Tuesday
Date: April 17, 2001
Edition: Las Cruces Sun-News
A4
Las Cruces, NM
Title:

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or
Classification: 31B-AQ-52484-828
Submitting Office: Las Cruces RA

Indexing:

#6 mkb 4/24/01

FBI/DOJ

FD-350 (Rev. 5-8-81)

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(Indicate page, name of newspaper, city and state.)

Date: Friday
April 13, 2001
Edition: Las Cruces Sun-News
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or
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Submitting Office: Las Cruces RA

Indexing:

AP photo

Prosecutor Jim Yontz, the deputy district attorney for the 7th Judicial District, listens to testimony in the David Parker Ray retrial in the Torrance County Courthouse courtroom in Estancia on Thursday. Ray is being retried on charges of abducting and sexually torturing a Colorado woman near Elephant Butte Lake in 1996. Ray's first trial last summer ended in a hung jury.

Prosecution rests in Parker Ray case

The Associated Press

ESTANCIA — The prosecution rested its Thursday case against an Elephant Butte man accused of kidnapping and sexually torturing a Colorado woman in 1996.

Jurors at the trial of David Parker Ray were dismissed for the weekend after hearing testimony from a Colorado psychotherapist who is treating the 27-year-old woman.

Ray, 61, is being retried on 12 charges of abducting and sexually torturing the woman. His first trial in Tierra Amarilla last summer ended in a hung jury.

> The woman exhibits symptoms, such as nightmares and sleep disorders, of post-traumatic stress disorder, testified David Spencer, the therapist.

The woman exhibits symptoms, such as nightmares and sleep disorders, of post-traumatic stress disorder, testified David Spencer, the therapist.

The symptoms are often linked to a traumatic experience such as the alleged 1996 abduction, he said.

Under cross-examination from defense attorney Lee McMillian, Spencer conceded that his patient's post-traumatic stress disorder could be the result of other traumatic experiences.

McMillian pointed out that the woman had been physically abused by a boyfriend and traumatized by a boating accident in which her fiancee drowned.

Spencer said he has treated between 70 and 80 women that have been sexually abused and his patient's symptoms are consistent with those of other rape victims.

The older sister of the alleged victim also testified Thursday that her sibling has become vigilant and fearful.

"(She) goes nowhere without her dog, she keeps a gun ready. She doesn't like to be alone. She keeps her door locked and friends need to call before coming over," the sister said.

Ray's niece, Laura Hopper of Rock Springs, Wyo., sat in the courtroom Thursday.

"I have total faith in my uncle," she said during a break. "He has my total support. I don't think there's any crime involved. I think that everything that went on between them was consensual."

#6 MKB 4/24/01

FBI/DOJ

Former husband testifies in sex-torture trial

The Associated Press

ESTANCIA — The former husband of a Colorado woman who alleges she was kidnapped and raped by David Parker Ray testified Wednesday he did not observe any physical changes in her several months after the alleged incident.

"But the intimacy thing was gone," he said. "You know, stuff like hand holding."

He broke down crying on the stand and was excused.

Ray, 61, is being retried on 12 charges of abducting and sexually torturing the 27-year-old woman near Elephant Butte Lake in 1996. His first trial in Tierra Amarilla last summer ended in a hung jury.

Prosecutors on Wednesday raised a series of objections to defense attorneys questioning the man about any physical changes in the woman after her alleged encounter with Ray.

Prosecutors said the issue was not physical changes but mental anguish.

Attorneys reached a compromise so defense questions addressed changes in behavior.

The woman testified Monday she was tortured with sexual devices while tied down but couldn't scream for help because her mouth was taped.

> "I knew from the first line this is to be used for entertainment purposes only, that the tapes were a fantasy,"
>
> — Michelle Eytchuson
> Dominatrix

Assistant Attorney General Claire Harwell also presented a deposition from the former husband's mother, who described a quick wedding and a problematical relationship between her son and the woman.

Jurors were excused for the afternoon so attorneys and state District Judge Kevin Sweazea could hear from Michelle Eytchuson, described by the defense as an expert witness on dominatrix. Attorneys spent the afternoon arguing over how much she could testify to — or if her testimony should be allowed at all.

Sweazea ruled she could testify only to identify sexual devices either shown in photos or seized by law enforcement officers in 1999 from a trailer on Ray's Elephant Butte property.

The judge said she must avoid any implication of consensual sex and cannot testify that such objects are part of a subculture.

Deputy District Attorney Jim Yontz had said he was concerned her testimony could give jurors the impression sexual devices implied consensual sex.

Defense attorney Lee McMillian argued he wanted her to put the devices in context, since jurors are not familiar with them.

The self-described professional dominatrix, who said she has studied sexual bondage and sadomasochism since 1992, said sexually explicit audio and video tapes recorded by Ray are meant as fantasies.

The content of his tapes is similar to recordings commercially available in magazines and on the Internet, she said.

"I knew from the first line this is to be used for entertainment purposes only, that the tapes were a fantasy," said Eytchuson, who said she has a particular interest in "fear fantasies" and also practices sensory deprivation fantasies.

FD-350 (Rev. 5-8-81)

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(Indicate page, name of newspaper, city and state.)

Thursday
April 12, 2001
Las Cruces Sun-News
A4
Las Cruces, NM

Date:
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FBI/DOJ

FD-350 (Rev. 5-8-81)

Videotape shown in retrial for Ray

The Associated Press

ESTANCIA — A videotape shown to jurors in a sex-torture trial Tuesday shows a woman strapped to a medical-type bench, her eyes and mouth covered with duct tape, while David Parker Ray circles the bench, occasionally stroking her or adjusting the straps.

At first, as he touches her, she rolls her head from side to side. Later, he unstraps her wrists, and she pulls her arms across her chest, almost hugging herself, as he continues to move around the bench.

Ray, 61, is being retried on 12 charges of abducting and sexually torturing the Colorado woman near Elephant Butte Lake in 1996. His first trial in Tierra Amarilla last summer ended in a hung jury.

The woman, now 27, wiped away a steady stream of tears as she and jurors watched the videotape. Jurors showed no reaction.

The woman testified Monday in Ray's retrial that she was tortured with sexual devices, but couldn't scream for help because her mouth was taped.

"I was scared. I didn't know what they were going to do. I wanted to go home," the woman told jurors.

The tape was seized from Ray's backyard trailer, and state District Judge Kevin Sweazea allowed it into evidence Tuesday. Defense attorney Lee McMillian had objected to the tape's introduction Monday, saying it was prejudicial.

Ray, dressed in an olive suit, appeared relaxed during the proceeding. During a brief recess Tuesday morning, he chatted with his sister about the book, "Lonesome Dove."

"I read the book twice, I'd sure love to read the sequel," Ray said.

Among other evidence admitted Tuesday was a 40-minute audiotape of Ray's voice, criminal investigator John Briscoe testified. The monologue went into detail describing sexual acts expected of a captive "sex slave."

"You are going to kept in a hidden slave room; you are going to be kept like an animal," the tape said. "Your only value to us is that you have an attractive body."

As the tape played, one female juror covered her face with hands for a few minutes. Ray was taking notes and occasionally talked to his lawyer.

Other evidence admitted Tuesday were two lists removed from the trailer, Briscoe testified. He quoted from the first, titled "Remember."

"A woman will do anything to get loose," Briscoe read. "Never trust a chained captive ... If she is worth taking, she is worth keeping."

Another list, titled "Don't Forget," lists such items as a neck chain, handcuffs, leg irons, bondage bar, door deadbolts and "the unexpected," Briscoe read.

Briscoe also narrated a separate videotape and identified photos of items found inside the trailer.

McMillian questioned Briscoe, asking whether he knew what the trailer looked like in 1996 since Briscoe had been there in 1999. Briscoe agreed he did not know about it in 1996.

The woman's alleged ordeal began after she and some friends went bar-hopping in 1996 while she and her newlywed husband were estranged.

One of the group, Todd Thompson, who now lives in Sturgis, Mich., testified Tuesday that the alleged victim did not seem drunk to him. He said he only saw her drink one beer. But he said the next time he saw her, she didn't seem to remember where she had been and looked "disheveled, as if she had been sleeping in her clothes."

On Monday, the Colorado woman testified that her friends left her alone in an Elephant Butte bar with Ray's daughter, Jessie Ray, who initially promised to take her home or to a friend's house.

Instead, she said she was taken to Ray's house and was threatened with a knife in his living room. She said her eyes and mouth were taped, and that she was handcuffed with a dog collar around her neck. Then she ended up on the bench.

McMillian said in opening statements that her alleged captivity could have been "harmless fantasy." But prosecutors said she was sexually assaulted.

(Indicate page, name of newspaper, city and state.)

Wednesday
Date: April 11, 2001
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(Indicate page, name of newspaper, city and state.)

Tuesday
Date: April 10, 2001
Edition: Las Cruces Sun-News
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Las Cruces, NM
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Character:
or
Classification: 31B-AQ-52484 - 824
Submitting Office: Las Cruces RA

Indexing:

Alleged victim testifies in torture retrial

The Associated Press

ESTANCIA — A woman alleged Monday she was strapped to a weight-lifter's bench and tortured with sexual devices in Elephant Butte, but she couldn't scream for help because her mouth was taped shut.

"I was scared. I didn't know what they were going to do. I wanted to go home," the woman testified in the retrial of David Parker Ray, accused of holding her captive and sexually torturing her for days.

Ray, 61, is being retried on 12 charges of abducting and sexually torturing the Colorado woman near Elephant Butte Lake in 1996. His first trial in Tierra Amarilla last summer ended in a hung jury.

The woman said she married in 1996, but sexual problems immediately cropped up.

"I have female problems, and sex hurts," she testified.

She said her marriage broke up rather quickly, after which she and some friends went bar-hopping in the Elephant Butte area.

The woman said her friends left, and she found herself alone with Ray's daughter, Jessie Ray, who initially promised to take her home but then agreed to take her to a friend's house.

But instead, she was taken to David Ray's house, where she said she was threatened with a knife as she sat in Ray's living room.

"One sat beside me on the couch. The one on the couch held a knife to my throat," she testified.

She said she could not remember if that was Ray.

The woman said tape was placed over her eyes and mouth and she was handcuffed.

"They put a dog collar on my neck," she said.

The woman recalled walking 20 to 30 feet to another place.

"I was being pulled by the neck, like they had a leash," she said, adding that she also was pushed from behind.

The woman said the next thing she remembered, "I was already tied to the table, naked. I was kind of in a position a woman is in when she has a baby — my feet were in stirrups."

She said her ankles and thigh were tied with half-inch-wide straps, but she was unsure if the collar still restrained her.

Her voice broke as she testified she felt scared.

"He (David Ray) said I was with some Satanic sex-worshipping group," she said.

She said she was sexually penetrated with dildos of varying sizes at least 30 times.

She said at one point, the tape on her eyes came loose, and she could see Ray, who touched her sexually. She also said his daughter was present.

She said she was left locked alone in the trailer at times but could not guess how long those occasions lasted.

"I heard the keys. I heard him lock and unlock it all the time," she said. "I wanted to escape."

The woman said she was led 2 feet to a portable toilet when she had to use the bathroom and was given nothing to eat or drink.

Her voice broke as she said the last five years of her life have been "total hell ... because I have to live with this every day."

Lee McMillian, Ray's attorney, said in opening statements Monday that the circumstances under which the woman alleges she was held without her consent could have been a "harmless fantasy."

But prosecutors said she was sexually assaulted and confronted with weapons, handcuffs and a neck chain secured to the floor.

"She's being kidnapped. She does as she's told if she has weapons held on her," said Deputy District Attorney Jim Yontz, who told the state district court jury the woman was held captive for three days.

Ray came under scrutiny in March 1999 when an Albuquerque woman wearing nothing but a dog collar ran to the home of one of Ray's neighbors and said she had escaped from a trailer full of sexual torture devices.

The current alleged victim came forward in 1999 after hearing that Ray was under investigation for sexually torturing the Albuquerque woman and another female.

McMillian questioned why it took the woman nearly three years to accuse Ray.

She "never made any allegations that David Parker Ray ever did anything wrong," he said. Only later did she "decide she was a victim," he said.

FBI/DOJ 4/24/01

FD-350 (Rev. 5-8-81)

(Mount Clipping in Space Below)

Sex torture retrial jury selection continues

The Associated Press

ESTANCIA — The defense attorney for man accused of abducting and sexually torturing a Colorado woman in New Mexico five years ago has warned potential jurors they will hear testimony about sexual practices "none of us ever thought of before."

Jury selection entered its second day Tuesday for David Parker Ray of Elephant Butte, who is being tried on 12 charges, including six counts of criminal sexual penetration. His first trial in Tierra Amarilla last summer ended in a hung jury.

Prosecutors and defense attorneys hope to complete jury questioning by Wednesday.

Defense attorney Lee McMillian told one prospective juror Monday the panel would see "photos of things that most of us have never done."

One man questioned by attorneys said he met Ray while making a delivery to Elephant Butte State Park, where Ray once worked, and that Ray helped him unload his truck. He said he did not believe meeting Ray would affect his judgment, but added, "He seemed quite friendly to me out there."

Another potential juror, asked what he thought after hearing about the case in the media, said, "It's bad what happened, if it happened."

Jury selection for Ray's retrial began in November but was halted when presiding judge Neil Mertz died of a heart attack. The case was rescheduled for January, but was delayed again when the defense and prosecution rejected two proposed presiding judges.

State District Judge Kevin Sweazea, who replaced Mertz, is hearing the retrial.

Ray faces three trials involving similar charges with three separate cases.

(Indicate page, name of newspaper, city and state.)

Wednesday
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Jury selection begins in sex torture case

The Associated Press

ESTANCIA — The much-delayed retrial of an Elephant Butte man on sex-torture charges got under way Monday when jury selection resumed after a four-month hiatus.

David Parker Ray is accused of kidnapping, raping and sexually torturing a 26-year-old Colorado woman near Truth or Consequences in 1996. He is being tried on 12 charges, including six counts of criminal sexual penetration.

His first trial in Tierra Amarilla last summer ended in a hung jury.

Jury selection for his retrial began in November but was delayed when the presiding judge, state District Judge Neil Mertz, died of a heart attack. The case was rescheduled for January, but was delayed again when two separate presiding judges were rejected — one by the defense and the other by the prosecutor.

District Judge Kevin Sweazea, named to replace Mertz, is hearing the retrial.

Six of the 13 potential jurors interviewed Monday had been questioned in the November jury selection, and were asked if their opinions had changed since then. All six said no.

The jury pool was warned about the sexual nature of the case.

"There will be some graphic portrayals, nudity or the like," Assistant District Attorney Jim Yontz said. He asked one woman, "Will there be any problems looking at graphic photos?"

Yontz also questioned potential jurors about their familiarity with such terms as sadomasochism and bondage.

Defense attorney Lee McMillian told one prospective juror that the panel would see "photos of things that most of us have never done," and later said the case would deal with sexual practices "that none of us ever thought of before."

One man questioned by attorneys said he met Ray while making a delivery to Elephant Butte State Park, where Ray once worked, and that Ray helped him unload his truck. He said he did not believe meeting Ray would affect his judgment, but added, "He seemed quite friendly to me out there."

Another potential juror, asked what he thought of the allegations after hearing about the case in the media, said, "It's bad what happened, if it happened."

Eleven potential jurors had been questioned by late Monday afternoon. Both prosecutors and defense attorneys asked the judge to increase the jury pool so the process could proceed more quickly.

Sweazea said jury selection could last from two to five days and that the trial is expected to take about a week.

Ray faces three trials involving similar charges with three separate victims.

The charges stem from an investigation that began in March 1999 when an Albuquerque woman wearing nothing but a dog collar ran to the home of one of Ray's neighbors and said she had escaped from his trailer.

FD-350 (Rev. 5-8-81)

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FD-350 (Rev. 5-8-81)

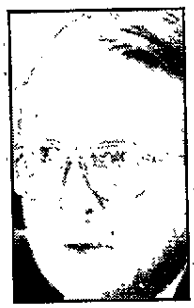
(Mount Clipping in Space Below)

Judge in Sex-Torture Case Dies; Ray Trial Delayed

By Rory McClannahan
Journal Staff Writer

State District Judge Neil P. Mertz, who was presiding over the David Parker Ray sex-torture case, died of a heart attack in Socorro early Thursday.

Mertz's death will delay Ray's trial, 7th Judicial District Attorney Ron Lopez said Thursday. Jury selection began in the case Monday in Estancia, and the trial was scheduled to begin in January.



MERTZ: Judge died of a heart attack

Cathy McClean, court clerk in Sierra County, and Kim Padilla, court administrator in Socorro, said Mertz had the heart attack at his home Thursday morning. Padilla said he was taken to the emergency room of Socorro General Hospital.

McClean said Mertz seemed fine Wednesday.

Padilla said she was not aware Mertz, 55, had heart problems since he was named to the judgeship four years ago.

Padilla said she received a call about the judge's death just before 8 a.m.

Mertz, a Democrat, was named to the bench by Gov. Gary Johnson in February 1996 and won election to the 7th Judicial District post later that year. His six-year term would have expired in 2002. District 7 covers Torrance, Catron, Socorro and Sierra counties.

Lopez said Thursday that he had known Mertz for many years and "respected him as an attorney, as a judge and as a person."

Mertz was a longtime attorney in Socorro and at different times served as city attorney and as an assistant district attorney. He also had a private practice. He had been serving as Lopez's chief deputy district attorney for three years when he was appointed as a judge in February 1996.

As a judge, Mertz ran his courtroom well, Lopez said.

"I always knew he was going to be thorough and conscientious," Lopez said.

In his short tenure as a judge, Mertz presided over two high-profile cases — the Torreon cabin killings and the Ray case.

Mertz earned an undergraduate degree from Phillips University in Oklahoma as well as a master's degree in political science and a law degree from Baylor University.

Lopez said he had talked to Mertz on Wednesday night and the judge seemed to be in good health. The two men talked about the several delays in the Ray case.

"The ironic thing was that he said, 'I wonder what else can go wrong with this case,' " Lopez said.

Lopez said he has contacted the New Mexico Supreme Court to ask for an extension on the Ray case. It could take months before the case gets back in court, he said.

The Ray case gained international attention in March 1999 after a woman wearing only a padlocked collar ran to the Elephant Butte home of one of Ray's neighbors, saying she had escaped from his mobile home. An FBI search of Ray's trailer turned up torture devices and video cameras.

Ray's first trial last summer ended in deadlock. He faces retrial on 12 charges: six counts of criminal sexual penetration and one each of kidnapping, assault with intent to commit a violent felony, criminal sexual contact, conspiracy to commit kidnapping, conspiracy to commit criminal sexual penetration and conspiracy to commit criminal sexual contact.

Two similar cases against Ray will be tried separately.

The Associated Press contributed to this report.

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(Mount Clipping in Space Below)

Sex-torture case goes to new trial

By Mary Perea
Associated Press Writer

ALBUQUERQUE — Jury selection in the retrial of an Elephant Butte man accused of sexual torture was scheduled Monday morning in Estancia, although David Parker Ray's actual trial won't begin until January to avoid conflict with the holiday season.

Ray is being retried on charges that he kidnapped and sexually tortured a Colorado woman in 1996 in Truth or Consequences. Two other similar cases also are pending against him.

Attorneys for both sides say many factors make this a very different case from the one that ended in a mistrial in Tierra Amarilla in July.

"I think this one will be even more interesting than the last time," said Ray's new defense attorney, Lee McMillian. "I'm more of a proactive kind of guy."

McMillian replaced Ray's former attorney, Jeff Rein.

The public defender did a good job of preparing the case but there was a lot of information to cover in a short time, McMillian said.

"I've gotten rid of everything else I was doing and read through eight bank boxes of material," McMillian said. "My life is on hold until I finish these cases."

Ray, a former mechanic at Elephant Butte State Park, was arrested in 1999 after a woman wearing only a padlocked dog collar ran to the home of one of his neighbors, saying she had escaped from his mobile home. Police and FBI searched Ray's trailer and found torture devices and video cameras.

Eventually two other women were identified by police as alleged victims, including the Colorado woman.

District Judge Neil Mertz has ruled the three cases will be tried separately.

The defense is not the only side that has gone through some major changes in the months leading up to the second trial.

District Attorney Ron Lopez will no longer be in office when the trial begins in January. He was defeated by Clint Wellborn in the November election.

Lopez was unsure whether he would participate in jury selection. In the meantime, he said he is trying to make the transition as simple as possible.

"We're preparing the cases as if we're going to try them," Lopez said.

Assistant District Attorney Jim Yontz, who argued the first case, likely will stay on with Wellborn, Lopez said.

Wellborn did not return phone calls from The Associated Press.

McMillian said leaving Yontz in the position would be logical.

"You'd have to be stupid to get rid of Yontz. He has 20 years of experience. He knows the case," McMillian said.

Ray's first trial was moved to Tierra Amarilla because defense attorneys argued he could not get a fair trial in Truth or Consequences because of the publicity surrounding the case.

McMillian said he thinks Estancia is probably one of the best sites possible for the next trial.

(Indicate page, name of newspaper, city and state.)

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FD-302 (REV. 3-10-82)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 2/4/87

DAVID PARKER RAY, who resides at his place of employment, CORAL MOTORS, 3001 West VanBuren, Phoenix, Arizona, 85009, (602) 272-9123, voluntarily appeared at the Albuquerque office of the FEDERAL BUREAU OF INVESTIGATION (FBI). RAY was immediately furnished a standard form, entitled "Interrogation, Advice of Rights," which he read aloud, stated he understood and thereafter signed. RAY advised:

RAY has completed 12 years of education and 2 years of an aviation and technical school and can read, write and understand the English language. RAY is not an alcoholic, does not use any illegal drug or narcotic and was not under the influence of any drug or alcohol at the time of the interview.

RAY has been married on 3 different occasions [redacted] Since the age of 13, while living on a ranch in New Mexico, RAY has been interested in bondage activity. RAY considered himself to be very shy and a "book worm" while in high school. Between the ages of 13 and 19, RAY was very interested in bondage activity. RAY was [redacted]. RAY did not fantasize about sex while married [redacted] RAY was working extremely hard at this time as an apprentice welder and was unable to work if he had sex more than twice a night. RAY [redacted] having sexual intercourse twice a night on week nights and 3 times on weekends. [redacted] RAY was subsequently [redacted] while he was in the United States Army. RAY has no knowledge of [redacted] whereabouts. RAY was subsequently [redacted] he had become involved in theft activities and there were warrants outstanding for his arrest.

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Between the ages of 19 and 28, RAY had little interest in bondage activity. From the age 28 to the present, RAY has been extremely interested and active in bondage. RAY is able to be "perfectly normal for months and then for weeks, this sex thing dominates" his life. RAY has had a problem with erectile

Investigation on 2/2/87 at Albuquerque, New Mexico File # Albuquerque 31B-1726

by SA [redacted] & SA djz/bla Date dictated 2/4/87

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insufficiency, as well as a problem reaching orgasm, and will fantasize about "everything imaginable, including killing women in order to ejaculate." [redacted]

[redacted] RAY has never abducted any woman for purposes of sexual or bondage activity. RAY has never injured any woman other than on one occasion. That incident occurred because RAY "panicked." RAY explained that he is very concerned about his sexual fantasies and has contacted psychologists on 2 different occasions because he believed that he was potentially dangerous and still believes he is still potentially dangerous. b6 b7C

On one occasion in Phoenix, Arizona, RAY paid a prostitute to engage in bondage with him. The prostitute understood beforehand what her role was to be and what was expected of her. RAY had the prostitute tied with all 4 limbs extended and the woman apparently became frightened and bit RAY on the upper-right chest. The woman would not release the bite, and RAY, who was bleeding severely, struck the woman on the head with his right hand and broke several bones in his hand. The woman was able to get free, and she ran out of the residence naked. A short while later, the prostitute's boyfriend came to RAY'S residence to obtain her clothing. The incident was never reported to law enforcement. [redacted]

[redacted]

RAY acts out his fantasies primarily by writing and drawing and explaining that his writings and drawings initially depicted simple bondage activity and increasingly depict more violent bondage activities.

RAY is unable to understand why he "can't kill a litter of puppies and conscientiously dislikes violence, yet unconscientiously he likes violence."

RAY believed that as long as he was active and interested in bondage activity, he might as well make his interest pay. For a period of time, RAY advertised custom-made S & M and Bondage Equipment and "Fetish Times" under the name "FESTIVAL." RAY is extremely handy with his hands and is able to make "almost anything." RAY made custom sex/bondage equipment to the exact specifications of his mail-order customers.

RAY made the full spectrum of bondage equipment, including "electrical dildos," dildos with real stats and transformers designed to deliver increasing amounts of electrical current when administered. RAY also carved dildos out of wood and made dildos out of "bondo," an automotive body filler material. RAY identified a series of dildos displayed by the interviewing agents and drawings as having been made by him. RAY also made "racks" for bondage activity and currently has one of his "racks" at a residence near Truth or Consequences, New Mexico. Several years ago, RAY experienced a house fire and nearly all of his personal property, household goods and all records and items pertaining to the manufacture of S & M and bondage paraphernalia were destroyed. RAY has no record of mail-order customers for S & M and bondage equipment.

RAY compared his interest and drawing, writing and manufacturing bondage equipment to a person collecting stamps.

While living in Fence Lake, New Mexico, RAY set up a basement in his residence as a "dungeon" or "model torture chamber," complete with iron rings in the floor. The basement was RAY'S "get-a-way" where he manufactured paraphernalia, drew, wrote, fantasized and masturbated. RAY never used the basement for bondage activity with any person. Family members may have entered the basement which RAY normally kept locked. b6 b7C

[redacted]

All of RAY'S tapes were destroyed [redacted]

[redacted] RAY tied the prostitute up for approximately one to two hours and when he was unable to have an erection, apologized and released the woman. RAY considers himself to have always "had a problem with shyness" and married the second girl he dated. RAY "didn't fantasize on anything" during his first marriage.

RAY has resided at junk yards or garages on a number of occasions, as he does now. As a pastime, RAY scavanges items from wrecked or junked automobiles including various items of women's identification, driver's licenses with photographs and apparel, which he uses when fantasizing.

RAY was displayed a dark blue uniform-type shirt, which was too small to fit RAY and identified the shirt as having been found in a wrecked automobile. RAY also identified three badges as belonging to him and explained that at one time, he had a collection of approximately 15 badges.

RAY has always been interested in law enforcement and "loves law enforcement work." RAY desired a career with the NEW MEXICO STATE POLICE, but was rejected because he was underweight. RAY has been very active in ALBUQUERQUE SEARCH AND RESCUE as a volunteer, the BERNALILLO COUNTY SHERIFF'S OFFICE RESERVES, has owned one private security guard organization and has been employed by at least three different security guard organizations, including the ALBUQUERQUE OFFICE OF VERN'S SECURITY.

RAY realizes that he has been a thief from time to time in his life and explained that he has a "code" in which he "considers corporations and insurance companies to be fair game."

RAY described himself as shy and a "loner" most of his life. Recently, RAY has had a problem with lonliness and considers himself to be trying to get his life "in order" at this time.

RAY signed medical release forms relative to his contact with psychologists at the VETERAN'S ADMINISTRATION HOSPITALS in Albuquerque and Phoenix. RAY also read, stated he understood and signed a form consenting to take a polygraph examination. RAY initiated the conversation concerning his desire to take a polygraph examination and explained that he is extremely concerned about his sexual interests, realizes that he is a risk to himself and others, but was adamant that he never engaged in bondage activity beyond those discussed with the interviewing agents and would be able to prove that he has never abducted, injured or killed anyone.

RAY is described as:

Race/Sex:	White male
Social Security No.:	525-94-0444
Date of Birth:	November 6, 1939
Place of Birth:	Belen, New Mexico
Height/Weight	6'3½"/155 pounds
Hair:	Light brown, straight
Facial Hair:	Full mustache
Eyes:	Green

Scars:	Bite mark/upper-right chest
Miscellaneous:	Wears glasses for reading
Occupations:	Mechanic, security guard, carpenter, electronic technician, truck driver
Hobbies/Pastimes:	Reads, builds 4x4 vehicles, builds bondage parphernalia, boating